

CALL TO ACTION

Deep South Affiliate of the Lawyers' Committee for Civil Rights Under Law

MISSISSIPPI
CENTER
FOR JUSTICE

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MCJ TAKES PORT BATTLE TO CAPITOL HILL

Reilly Morse, Mississippi Center for Justice Senior Attorney, testified before a U.S. House of Representatives' Financial Services subcommittee about the challenges and lessons for the future regarding the uses of emergency Community Development Block Grant funds intended for the rebuilding of low- and moderate-income housing on the Mississippi Gulf Coast following Hurricane Katrina. Rep. Maxine Waters, chair of the subcommittee, invited Morse to testify.

Morse testified that all the state's CDBG and tax-credit programs together will ultimately

restore little more than half of all housing, owner-occupied or rental, with major to severe damage. "In plain words, this is not adequate," Morse said.

As of December 2007, Mississippi reported to HUD that it had spent \$1.8 billion out of its \$5.05 billion allocation, but only 13.2 percent of that has benefited low- and moderate-income families. Congress expected Mississippi to spend at least 50 percent. Not a single affordable rental unit has been opened using CDBG funds earmarked for public housing, small rentals, or workforce housing.

Lower-income Mississippi renters include especially

high numbers of persons protected under the Fair Housing Act due to their race, sex, disability or household status. Mississippi is now 33 months post-Katrina and none of the CDBG-funded rental housing programs have produced results. This inaction does not affirmatively further fair housing. South Mississippi's civic structures and public works have been rebuilt bigger and better than before, but Mississippi's use of CDBG funds so far has not affirmatively addressed a decades-long



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FACE TO FACE: MISSISSIPPI BLOCKS ACCESS TO HEALTH CARE FOR CHILDREN

A study produced in fall 2007 features the administrative obstacles that are causing qualified children and adults in Mississippi to lose Medicaid and Children's Health Insurance Program coverage. The study, entitled "Losing Ground: Declines in Health Coverage for Children and Families in Mississippi" was



prepared by Manatt Health Solutions, a division of

Manatt, Phelps & Phillips, LLP, for the Mississippi Center for Justice and the Mississippi Health Advocacy Program.

The decline in enrollment, which includes 62,000 fewer children in 2006 than in 2004, is linked to two policy changes implemented during 2005 and 2006. The 2005 change required applicants and those renewing coverage

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to participate in a face-to-face interview at a Medicaid office. Mississippi is one of only two states to require this of children and parents at the point of both enrollment and annual renewal of coverage for Medicaid and CHIP. The second policy change involved requiring documentation of citizenship. While this is a federal requirement, states have discretion when it comes to implementation. Mississippi requires enrollees to document citizenship by obtaining original birth certificates and other proof.

While dramatically shrinking coverage for qualified children and adults, these barriers are increasing administrative costs. According to the report, from 2003 to 2007, administrative costs rose by 74 percent for Medicaid, despite a 5 percent drop in enrollment. Administrative costs for CHIP increased by 150 percent from 2005 to 2007, yet enrollment dropped by 11 percent during that same period.

While requiring face-to-face visits for enrollment may seem like a harmless idea on the surface, lack of access to sites offering this type of visit makes the requirement burdensome on low-income families who often work hourly and shift-type jobs and lack reliable, affordable transportation. On average, Mississippi has only one full-service Medicaid office per 2.7 counties. Supplemental outstations offer limited hours of operation. This report states that 80 percent of those outstations are open one day per week or less, with several open only one day per month. No outstations or regional offices are open on weekends or with hours extending beyond 5 p.m. ■

The report offers simple steps to eliminate the unnecessary barriers to enrollment and to help families comply with new procedural requirements. These recommendations include:

- ▶ Rescind the face-to-face interview requirement, as it is not required by federal law.
- ▶ Strengthen outreach and education about Medicaid and CHIP eligibility and application requirements using a variety of outlets such as media, health care providers, community-based organizations and the workplace.
- ▶ Send letters notifying beneficiaries of their need to renew coverage earlier.
- ▶ Enhance the use of existing state data sources, such as vital records information, to electronically verify birthplace for applicants and beneficiaries, which is allowable by federal law.
- ▶ Implement proven program integrity strategies that do not compromise access to health insurance coverage for eligible children and families.



CHAMPIONS OF JUSTICE DINNER CELEBRATES PROGRESS



More than 400 community activists and supporters of the Mississippi Center for Justice attended the fifth annual Champions of Justice dinner, Oct. 12, 2007, at the Marriot Hotel in downtown Jackson. Former Mississippi Supreme Court Justice Reuben Anderson and University of Mississippi's School of Law Professor Deborah Bell were honored as the 2007 Champions of Justice for their inspiring leadership and service. Along with the honorees, MCJ Board Chair Fred Banks and Shelby County, Tenn. Mayor A.C. Wharton served as keynote hosts to a program that also recognized and celebrated the contributions of several key friends of justice in Mississippi, including:

- The 13 Mississippi law firms who, with the leadership of Watkins & Eager's Ginnie Munford, produced the 2007 Pro Bono Manual, a new web-based resource that will help expand access to justice statewide;
- AARP Foundation President Robin Talbert, for the Foundation's exceptional and continual contributions to and support of justice work;
- John Heyman, whose lifetime of service to the cause of civil rights has brought him full circle back to Mississippi;
- The 2007 Champions of Justice Donors, whose wonderful generosity anchors the community support that makes MCJ's work possible; and
- Watkins & Eager partner Steve Orlansky, who served as emcee for the evening.

Early the following morning, 40 people gathered for a road trip to the Mississippi Gulf Coast. At several stops between East Biloxi and Pass Christian, the group visited with community leaders Dorothy McLendon, Rose Johnson and Jason McKenzie; MCJ board member and Moore Community House director Carol Burnett; Peoples Bank President Chevis Swetman; and the Enterprise Corporation of the Delta's Jolie Michado about the progress and continuing frustrations of hurricane recovery. Ocean Springs City Council member Julia Weaver welcomed the group to an evening reception at the Walter Anderson Museum. The evening was capped off with a dinner at Phoenicia that provided a final opportunity for guests to visit with the community leaders and activists who are working toward an equitable recovery on the coast.

MCJ exceeded its fundraising goal of \$200,000, an amount that will support almost 15 percent of the 2008 operating budget. MCJ is grateful to everyone who continues to support MCJ's mission of advancing racial and economic justice in Mississippi. ■

ABOVE (Pictured from right to left): Shelby County, Tenn. Mayor A.C. Wharton presents Professor Debbie Bell with the Champions of Justice Award; 13 Mississippi firms are awarded for their contributions to the 2007 Pro Bono Manual; MCJ Board Chair, Fred Banks honors former Mississippi Supreme Court Justice Reuben Anderson.

MCJ— IN ACTION

HURRICANE KATRINA SPECIAL EDITION LAW JOURNAL FEATURES MCJ WRITINGS

Two articles published in the University of Mississippi's School of Law Hurricane Katrina Recovery Law Journal issue were written by Mississippi Center for Justice attorneys.



John Jopling, MCJ managing attorney, authored "Two Years After the Storm: The State of Katrina Housing Recovery on the Mississippi Gulf Coast". This article delves into the State of Mississippi's response to the affordable housing crisis on the Coast. The article describes damage to the existing housing stock and the heightened impact of the storm on low-income and minority communities, discusses the key recovery programs created by the Office of the Governor and approved by HUD, includes a critique of these programs as neglectful of the needs of low-income individuals and others who rely on rental property for shelter, provides additional tools for promoting affordable housing and offers several early lessons learned from the state's experience in confronting the affordable housing problem on the Gulf Coast.

Reilly Morse, MCJ senior attorney and **Karen Lash**, MCJ national pro bono counsel, co-authored "Mitigating Disasters: Lessons from Mississippi". The lessons learned are provided from two attorneys with an insiders' view and who have been working together since the inception of Hurricane Katrina recovery efforts. The article provides guidance for collaboration and materials preparation that will aid the legal community in providing assistance and leveraging pro-bono services in the wake of natural disaster.



The articles appear along with writings from U.S. Representative Gene Taylor and attorneys from various fields of practice and across the United States. The special edition Law Journal is available on-line at http://mslj.law.olemiss.edu/Current%20Issue_3.html.

MCJ RECEIVES INAUGURAL AWARD

The Mississippi Faith-Based Coalition recognized the MCJ as Best Supporting Organization during its inaugural Community Fest 2008 Opening Ceremony. The award was presented during a banquet held Friday, May 16, at the Good Deeds Community Center in Gulfport.

MCJ was selected for this award based on the outreach and response to Hurricane Katrina provided by the Biloxi office. "This recognition is really intended for the hundreds of students and attorneys who work in tandem with our Biloxi office staff to seek justice for residents who were devastated by Katrina," said MCJ President Martha Bergmark. "While our small staff provides tremendous support to the community, we simply could not manage without the great outpouring from our pro bono partners."

CAPSTONE PROJECT DELIVERS ACTION KIT

Payday Lending is a loan option that one in five Mississippians have used. With an annual percentage rate of 572 percent, this is certainly one of the most abusive and pervasive forms of predatory lending. Yet, the issue has not gained widespread public awareness in Mississippi.

Last summer, the Mississippi Center for Justice and partners from the Economic Justice Summit decided that it was time for a change. MCJ contracted with graduate students from the Wagner School of Public Service at New York University to explore the problem of payday lending in Mississippi and propose solutions. By bringing fresh eyes to the problem, these Capstone students were able to synthesize the issues involved in payday lending and create materials that

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Special thanks to Stephanie Kinlock, Laura Perischette, Jason Labate, George Jeng and Jon VanOeveren for their work on the payday lending action kit for Mississippi.

can be used to educate the public, advocate for change and propose alternatives.

The students delivered “The Truth About Payday Lending: An Action Kit for Mississippi”. The action kit includes brochures that bring a call to action to various segments of the population, including citizens, legislators, educators, financial institutions and community- and faith-based organizations.

MCJ will use these materials to launch an education and advocacy campaign designed to bring about reform in the payday lending business. ■

MILLSAPS AWARDS BERGMARK WITH HONORARY DEGREE

Martha Bergmark, president of the Mississippi Center for Justice, was honored with a Doctor of Public Service during Millsaps College’s commencement ceremony on Saturday, May 10. Bergmark took up residence on the Millsaps College campus at the age of 4, when her father, Robert Bergmark, began his 35-year tenure with the College.

“Some people have a special ability to see clearly the needs of the world. Martha Bergmark is one of those people,” said Millsaps College President Dr. Frances Lucas during the outdoor ceremony.

Lucas also lauded Bergmark for her work as a progressive attorney whose vision of justice has spurred trailblazing work for the advancement of racial, economic, and public interest justice not only across the nation, but especially in Mississippi.



Other honorary degree recipients (pictured left to right along with Millsaps College President Dr. Frances Lucas and honoree Martha Bergmark) were: John Stone, who was recognized with a doctor of humane letters for his work in medicine and writing; Leslie B. McLemore, who was recognized with a doctor of public service for his activism carrying from the Civil Rights era to the present; and Greg Iles, who was honored with a doctor of humane letters for his unique voice in contemporary fiction. ■

MCJ TAKES ACTION TO REMOVE ENROLLMENT BARRIERS

The Mississippi Center for Justice collaborated with numerous advocacy organizations during the 2008 Mississippi Legislative session to call for removal of Medicaid's face-to-face interview requirement. Citing information included in the Losing Ground report, Jason Pollan, Pfizer Health Law Fellow with MCJ, testified before a Legislative committee in Nov. 2007.

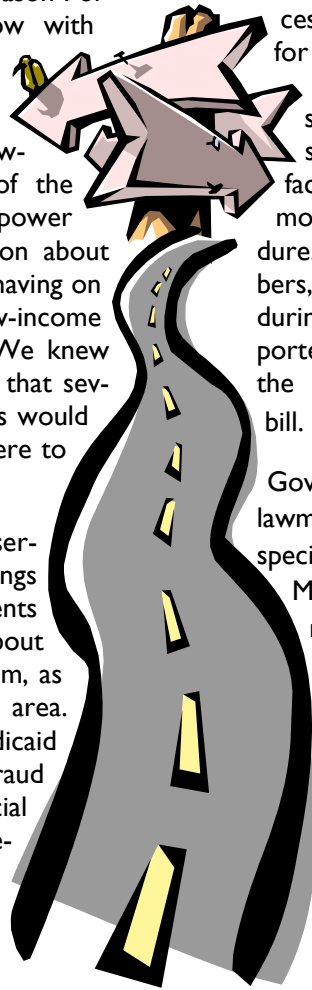
"We began working with lawmakers prior to the start of the session so that we could empower them with the real information about the effects these barriers are having on the lives of hardworking, low-income Mississippians," Pollan said. "We knew we faced an uphill battle, and that several myths and misconceptions would have to be overcome if we were to be successful."

Those myths include the assertion that the in-person meetings reduce fraud and allow recipients to receive more education about other services available to them, as well as providers in their area. However, the Division of Medicaid has reported no cases of fraud among recipients, and social workers who help prepare re-

ipients for these meetings and often attend the meetings with them have refuted the educational intent.

Lawmakers in both the House and Senate seemed to understand that the requirement was doing nothing to prevent fraud, yet was doing much to block access to needed health care services for qualified recipients. The bill used to appropriate funds to the Division of Medicaid included a provision that held all funds until the face-to-face requirement was removed from the administrative procedure. The measure passed both chambers, but was sent back to committee during a last-minute maneuver supported by the administration to strike the language from the appropriations bill.

Governor Barbour has vowed to call lawmakers back to the Capitol for a special session to resolve funding for Medicaid, but the administration remains committed to keeping the face-to-face requirement for access to services. MCJ is currently evaluating all options, including legal action, to assist qualified recipients in their quest for just access to health care services. ■



"Navigating Medicaid is no easy task. With barriers to enrollment like the face-to-face eligibility requirement, Mississippians who are already economically disadvantaged face a second strike—decreased access to health care that is desperately needed."—Jason Pollan, Pfizer Health Law Fellow

MCJ HOSTS CHILDCARE SUMMIT, PUSHES FOR REFORM

In Mississippi, affordable child care is not easy to find, especially for low-income families. The most recent U.S. Census estimates that 132,000 children in Mississippi under the age of 12 live in poverty. Most of these children have parents who work, creating a great need for access to affordable child care.

In search of solutions, the Mississippi Center for Justice teamed with the Mississippi Low Income Childcare Initiative to host a summit designed to develop a strategy for improving access to child care certificates for low-income Mississippians. The summit, held Jan. 24 in Utica, Miss., attracted more than 60 attendees.

Sessions provided a historical overview of the Stennis Institute's Report on Mississippi's child care certificate program and the audit that resulted from that report, a look at the concerns of providers and the kinds of reforms that are needed, as well as how the Quality Rating System is affecting the child care subsidy program.

The Mississippi Economic Policy Center presented "Broadening the Base: Strengthening Mississippi's Working Families Through a System of Strong Child Care". Key findings from this study revealed:

- Two-thirds of Mississippi children live in households where all parents work,
- Annual infant child care can cost more than tuition at a public, four-year university, and
- The number of children living in families with incomes below the income eligibility limits for the child care subsidy program remains higher than the subsidy program capacity.

"Designing Subsidy Systems to Meet the Needs of Families: An Overview of Policy Research Findings" was presented by Gina Adams and the Urban Institute Child Care Research Team. The paper explores what subsidy agencies are doing to support subsidy access and retention of eligible families, lessons learned and the tradeoffs

involved to provide this support. The presentation provided valuable insight into the advantages of linking benefit systems to provide better service to recipients, simplify the application and recertification process for recipients of multiple services and save the state money in administrative costs.

Armed with this information, advocates supported two pieces of legislation during the 2008 Mississippi Legislative Session. House Bill 1077 proposed transferring unused Temporary Assistance for Needy Families funds to the Child Care and Development Fund to be used as vouchers for qualifying children. While the bill received support from both houses of Mississippi's Legislature, it died in conference committee before a compromise language could be adopted.

House Bill 1111 called for establishing grants for centers to participate in the Quality Rating System. These grants would off-set the initial investment required by child care centers to upgrade facilities and learning environments in order to

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pattern of inequitable development in historically segregated communities. Mississippi’s pattern of requesting waivers of the low-moderate income requirement does not affirmatively further fair housing – it does precisely the opposite.

“Mississippi’s transfer of \$600 million from housing to the State Port at Gulfport will make it even more difficult to provide affordable housing,” Morse explained. “Mississippi’s existing affordable housing programs will not have enough money to fill the gaps in current programs. Instead, these funds will be diverted into a record-breaking investment in a state enterprise agency to realize a 20-year master plan conceived prior to Hurricane Katrina.”

The \$600 million does not buy mere channel improvements - it creates a controversial new landform in the Mississippi Sound, an inland terminal that will import traffic, pollution and hazards to North Gulfport, an African American neighborhood. It will also open up 60 waterfront acres in the center of the port for a luxury hotel, condominium and casino complex known as the “Village at Gulfport.” The Port has \$108 million in insurance, tens of millions in FEMA funds pending settlement of the insurance claim and \$82 million in unencumbered cash, all far more than adequate to cover the estimated \$50 million in damages to a port with an asset value of \$127 million at the time Katrina struck. For these reasons, MCJ is asking Congress to urge the incoming HUD Secretary to reconsider the approval of the Port Diversion and put that money back into the housing recovery. ■



Morse provided a list of recommendations for current and future oversight of CDBG funds. These include:

- Make rebuilding rental housing as high priority as assisting homeowners. Require some recovery funds to be used to correct persistent disinvestment in minority neighborhoods.
- Require states early in the process to publish housing damage assessments with sufficient information to plan adequate recovery for protected classes under the Fair Housing Act.
- Eliminate or more severely restrict the use of waivers of low-moderate income requirements.
- Require states to present a comprehensive plan instead of a succession of partial plans, and require federal uniformity in multi-state disasters, including per capita funding, common eligibility standards and common rules on deductions.
- Condition local disaster relief upon commitments by localities to prevent nimbysm, and pursue unfair housing practices aggressively using HUD and the Department of Justice.

In plain words, this is not adequate.

—Reilly Morse describing the shortcomings of state and federal programs designed to replace housing destroyed by Katrina

OUT AND ABOUT WITH MCJ



MCJ extends thanks and good wishes to **Yumeka Rushing** who is departing the role of advocacy director. MCJ is grateful for Yumeka's leadership and advocacy on behalf of Mississippians over the past two years. The MCJ staff welcomes its own **Beth Orlansky** as the new advocacy director. ■



MCJ's newest Equal Justice Works AmeriCorp Attorney has come on board. Over the next year, **Chanda Roby** will develop quality pro bono opportuni-



ties that expand legal resources in low-income and underserved communities. In addition, as the host of the Mississippi program, MCJ also welcomes attorney participants Carol Tingle, LeAnn Tingle and Shalanda Hudson who are serving their terms with MCJ Partners, the Mississippi Volunteer Lawyers Project and Mississippi Center for Legal Services. ■

Sharon Garrison

has joined MCJ as Communications Director. Sharon previously served as the communications director for The Partnership for a Healthy Mississippi, the state's award-winning tobacco prevention program, and worked as press secretary for John Arthur Eaves' 2007 gubernatorial campaign. She brings nearly 15 years of communications experience to MCJ and will be implementing a comprehensive communications plan for the organization. Sharon will also provide communications expertise to the Mississippi Economic Policy Center, which MCJ co-sponsors with the Enterprise Corporation of the Delta ■



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MCJ HOSTS CHILD CARE SUMMIT, PUSHES FOR REFORM

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receive higher reimbursements from the state, or be used to supplement educational opportunities or salaries for employees. This bill passed the House of Representatives but died in a Senate committee.

"Our advocate community made significant progress in the effort to educate elected officials about the crisis situation that Mississippi faces in terms of providing child care assistance to low-income families," explained Beth Orlansky, Mississippi Center for Justice Advocacy Director. "We were successful in laying the groundwork for future advocacy efforts that will hopefully move similar legislation forward during the next session. We plan to continue to educate all Mississippians about the vital link between affordable child care and helping low-income families obtain and retain employment." ■

FIRST MISSISSIPPI ACCESS TO JUSTICE HEARING HIGHLIGHTS NEED FOR LEGAL AID

The Access to Justice Commission, created by order of the Mississippi Supreme Court in 2006, convened the first in a series of public hearings regarding the barriers that Mississippians face in accessing the civil justice system on held Friday, Apr. 18, in Gulfport, Miss. Mississippi Supreme Court Justice Jess Dickinson moderated the hearing, which was hosted by U.S. Representative Gene Taylor and attended by numerous members of the commission, influential leaders on the Mississippi Gulf Coast, legal advocates, the press, and interested citizens.

The Mississippi Supreme Court formed the commission to address civil legal representation of the poor. The commission is not addressing criminal defense. Hearings are planned in each of Mississippi's four congressional districts. Bonnie Allen, an active volunteer for MCJ, is staffing the hearings. The first hearing included testimony from legal aid lawyers, local judges, members of the private bar, community leaders, and individuals who shared their stories of struggle when they were in need of legal services.



Crystal Utley, Mississippi Center for Justice attorney, provided testimony that helped shape the picture of the legal services landscape in Mississippi.

“Since the use of law is generally limited to those who have an attorney, it can be an obstacle to those who cannot afford one,” Utley said. “MCJ relies on a network of pro-bono attorneys who make it possible for us to provide individual assistance to victims of Hurricane Katrina. We are also part of a statewide effort to develop a unified, more efficient legal services effort. However, due to lack of funding and proper staffing, legal services is presently able to meet only 3 percent of the legal need in Mississippi.”

Federal funding, which has continued to dwindle in recent years, remains the largest source of financial support for two Legal Services entities in Mississippi, North Mississippi Rural Legal Services and the Mississippi Center for Legal Services. Additional monies are obtained via the collection of interest on lawyer trust accounts administered by the Mississippi Bar Foundation, and a \$5 fee for each civil case filed in circuit and chancery courts. Organizations providing legal services receive far more calls than there are lawyers available to meet the need.

The commission will use sworn testimony and public comments from the hearings to make specific recommendations to the Mississippi Supreme Court that would expand civil access to justice. These could include legislative efforts to increase state funding for civil legal aid, rules changes that make the courts more accessible to people representing themselves and a variety of strategies to increase the number of Mississippi lawyers providing pro bono legal services. ■

OUT AND ABOUT WITH MCJ

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Adding to a long list of national media attention, MCJ's FEMA trailer-related work was recently featured in a segment on Dan Rather's HDNet. **Reilly Morse** was interviewed for the segment, which can be viewed on-line at <http://hd.net/danrather.html>. The segment is part of the May 20 show "A Price to Print" and appears approximately 40 minutes into the show. Morse presented his paper "Environmental Justice Through the Eye of Hurricane Katrina" at the Joint Center for Political and Economic Studies' national conference on disaster mitigation on May 15-17 in New Orleans. ■

This summer, MCJ will host five students in its Power of Attorney Summer Internship Program. **David W. Creasey**, University of Chicago Law School; **Sarah Rose Buchanan**, University of Mississippi School of Law; **Sarah Courtney Reese**, Mississippi College School of Law; **Veronica Allen**, Duke University School of Law; and **Adam Griffin**, University of Alabama School of Law. ■

John Jopling was keynote speaker at the Management Information Exchange annual training event for mid-level managers in New Orleans in March. ■



Congressman Barney Frank, Massachusetts, is the Mississippi Center for Justice's honoree at the 2008 Mississippi on the Potomac event.

Mark your calendar for MCJ's 2008 Champions of Justice Weekend, Sept. 12-14, at the Marriott in Jackson, Miss.

Mississippi Heads to the Potomac

Celebrating five years of service and recognizing the work of pro-bono attorneys, partner organizations, law students and contributors will be the focus of the Mississippi Center for Justice's Mississippi on the Potomac reception, Tuesday, June 3, at Johnny's on the Half Shell restaurant in Washington, DC.

MCJ will recognize Rep. Barney Frank for his work as chairman of the Financial Services Committee. Rep. Frank has been a champion for curbing predatory lending practices. Rep. Frank and his committee are also being recognized for their work to implement accountability for the more than \$5 billion that Mississippi received for Hurricane Katrina recovery efforts. Specifically, MCJ is appreciative of the committee's effort to ensure that adequate money is allocated to low- and moderate-income housing recovery.

During 2007, attorneys from across the nation contributed more than 17,000 pro bono hours to MCJ's efforts in Mississippi. These hours helped MCJ make progress on Katrina-recovery issues, including foreclosure prevention and contractor fraud, as well as Medicaid and Children's Health Insurance Program and access to child care campaigns.

"Our ability to make progress in the social justice arena relies heavily upon attorneys, law students and others who volunteer their time and talents to our campaigns," said Martha Bergmark, Mississippi Center for Justice president. "Their contributions, which began as an emergency response to Hurricane Katrina, are now a welcome and growing feature of our delivery system." ■



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