

**Mississippi Center for Legal Services Corporation**

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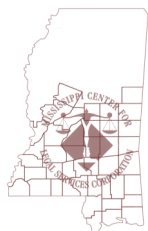
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**Monday - Thursday**

**9:30 a.m. - 3:30 p.m.**

[www.mslegalservices.org](http://www.mslegalservices.org)

# Mississippi Center for Legal Services Corporation



*"Protecting People,  
Perserving Justice"*

**2010 REPORT**

## *A Message from the Chairman...*

As I write this annual message, members of the United States House of Representatives are reading the Constitution aloud on the floor of their chamber. Cynics will view this as a political stunt which to some degree it may be. But, as various members of the House of Representatives rise to read the passages of the Constitution, one of them will read out loud that the Constitution guarantees that "[n]o State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." That language, found in the Fourteenth Amendment is both eloquent and vital to the protection of individual liberties and rights in the United States. That same language is the very cornerstone of both the need and creation of Legal Services in the United States. Without free legal services for poor people, the privileges and immunities of persons who cannot afford attorneys will not be protected. Likewise, the "due process" and "equal protection" clauses of the Fourteenth Amendment can only be brought to fruition if persons who cannot afford to pay for attorneys have the same access to justice as those individuals who can afford to pay for the protection of their "due process" and "equal protection."

In an ideal world, in a world without political posturing, after reading the Constitution aloud and after absorbing its true meaning, Republicans and Democrats in Congress would join together to at least double the appropriation for legal services in order to guarantee that in 2011 the rights and privileges and the equal protection of indigent persons are

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# Challenges MCLSC faced in 2010

By Sam H. Buchanan, Jr.  
Executive Director, Administration



(Sam Buchanan, first from left, along with MCLSC Board Member & Staff)

It is a pleasure to greet you again on behalf of our law firm, Mississippi Center for Legal Services Corporation. Our work is always interesting and challenging, with 2010 being no exception.

On the funding side, it seems that we are always waging a battle for adequate funding. In 2010 we received an increase in our federal funding, but with the ebbs and flows of Congressional politics, it appears that the joys of increased funding will be short lived. Our other grant sources continue to support our legal work to the extent possible, while also fighting their own funding battles. As in recent years, we saw a steady increase in the number of persons joining the ranks of the low income because of the slow economy, job losses, and business closures. We continue to be astounded and sometimes disheartened by the number of low income persons seeking assistance to save their homes from foreclosure by any means necessary. We were able to save many homes through some form of legal action, and we were able to provide some needed outreach and education on the issue in towns across our service area, through a collaboration with the Mississippi Department of Human Services. However, in spite of best efforts, saving the homestead was a daunting task. Sometimes our work resulted in persons having to file a lawsuit to stop unscrupulous practices; frequently, it resulted in persons having to modify their loan or seek bankruptcy protection; and occasionally, failure to act timely, or circumstances beyond their control, resulted in persons losing their share of the American Dream. We are hopeful that in the months ahead, the powers that are will channel more focus and resources on the crisis.

Although foreclosures and housing issues were priorities in our work, the slow economy also brought to our doors a steady stream of other legal issues like unemployment, legal issues for older persons, domestic

problems exacerbated by the pressures of the economy, and a spectrum of health, family support, and protection issues. We also became a part of a collaboration of legal services providers across the Southern States to offer assistance to persons assessing their claims against BP Oil from the oil disaster. Although our firm's primary focus will be on workers at the lower end of the income spectrum, we expect it to be a significant part of our work in 2011.

We all hope that the economy improves in 2011, and there are some indicators that it will. In the meantime, we know that as the ranks of the low income increase, the available resources to assist them will shrink, and the recovery time for poor people will take longer. While we wait, we plan to be vigilant in our watch and active in our service. We cannot control the economy, but we are hopeful that we can lessen the impact on low income communities through legal assistance, education and outreach, and collaboration with individuals and organizations with a common mission.

Thanks as always to all of you who support legal services, equality, and what is right and just. Always let it be said that when it came to equal justice, you fought the good fight, ran the good race, and never gave up, even when the deck was stacked against those whom you sought to help. You may not hear the accolades, but know that our firm and those who may not have a loud voice, appreciate your work and benefit from your efforts.

## Chairman Message *continued from front cover*

truly protected. But, in real life the Lone Ranger does not solve the problem and then ride off into the sunset. More likely than not, appropriations for Legal Services in Congress will remain at or below the present level.

Regardless, 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. This is my message.

*Michael Adelman, MCLSC Board Chair*

# Bi-Annual Conference

MCLSC and North Mississippi Rural Legal Services held the Bi-annual Conference training for Board and Staff.



Sam H. Buchanan and Julia Crockett of MCLSC, Ben Thomas Cole, II of NMRLS and Cheri Green, Statewide Resource Development Coordinator are pictured with presenter, Attorney Merrida P. Coxwell, Jr.(center).



Jeremy Eisler, Statewide Director of Litigation, presented the IMPACT Award to staff who rallied to make significant contributions to Legal Services Programs.



Staff attends "Do What You Can, With What You Have, Where You Are" training sessions.



Attorneys John Kemp, Heather Wagner, Vangela Wade and Mark Chin conduct trainings.



Staff enjoys a corporate dance during evening reception.

## Other Partnerships

### ***MCLSC partners with DHS on issues caused by high unemployment***

Since 2008, the housing crisis has severely impacted Mississippi, thereby increasing the number of requests for our services. For example, ForeclosureNet.net website, ranked Mississippi first in the Nation with past due mortgages, more than 2,000 foreclosures and 4,200 bankruptcies. At that time, Mississippi's unemployment rate was 12.0%, higher than the national average of 10.4%. In a collaboration to address problems, MCLSC secured, through the Mississippi Department of Human Services, Division of Community Services, funds from the American Recovery and Reinvestment Act (ARRA), totaling \$79,516. The funds allowed MCLSC to provide education and outreach and awareness on civil legal issues, including home foreclosures, bankruptcies, and unemployment. The grant targeted clients with limited education. MCLSC, along with North Mississippi Rural Legal Services hosted ten housing and bankruptcy workshops throughout the state attended by more than 300 persons.

The project also targeted areas of the State that experienced recent manufacturing plant closings, coupled with high unemployment, in some cases of more than 20%. The project afforded the opportunity to extend services to non-traditional clients and to partner with other service providers such as WIN Job Centers, the Mississippi Housing Initiative, Mississippi Municipal League and the Salvation Army.

### ***MCLSC works with West Tennessee Legal Services (WTLS) to fight discrimination in housing***



Attorney Carol Gish and Laurie Hilton of WTLS provides training on Fair Housing laws.

## Special Thanks

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

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

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

*The Mississippi Supreme Court- Pro Hac Vice*

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

*Mississippi Legislative Civil Legal Assistance Fund*

*(\$5 filing fee add-on)*

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

*Mississippi Department of Human Services (ARRA)*

*Area Agency on Aging*

*Central Mississippi Planning and Development District (CMPDD)*

*East Central Mississippi Planning and Development District (ECPDD)*

*South Mississippi Planning and Development District (SMPDD)*

*Institute for Foreclosure Legal Assistance (IFLA)*

## Who We Are; What We Handle

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

The administrative office is located in Hattiesburg, MS with the State Initiatives office located in Jackson, MS. There are five (5) service offices, which are located in Jackson, McComb, Hattiesburg, Meridian, and Gulfport. Satellite offices are located in Natchez, Vicksburg, and Pascagoula.

To enhance access to services, the program has established a Call Center. ***Persons seeking assistance should call 1-800-498-1804.*** Financial eligibility is based on income (total receipts before taxes) of all persons who are resident members of the household. Total receipts include money (wages and salaries, income before any deduction) and regular payments from public assistance (Social Security, SSI, TANF, etc.) of all persons who are resident members of and contribute to the support of the family unit. The threshold for eligibility is 125% of poverty. Given the economic crises, our financial eligibility guidelines have been increased so the program may accept cases for persons where household income does not exceed 200% of the federal poverty guidelines. At 125% of poverty, income for a household of 4 is approximately \$27,563; at 200% of poverty, income for a household of 4 is approximately \$44,100.

### ***Populations with Special***

#### ***Vulnerabilities***

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

### ***Support for Families***

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

### ***Maintaining Economic Stability***

- Consumer Issues
- Public Entitlement Programs

### ***Housing and Property***

- Evictions
- Foreclosures
- Mortgage Problems
- Housing Counseling
- Deeds & Wills

### ***Advice Counsel and Referral***

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

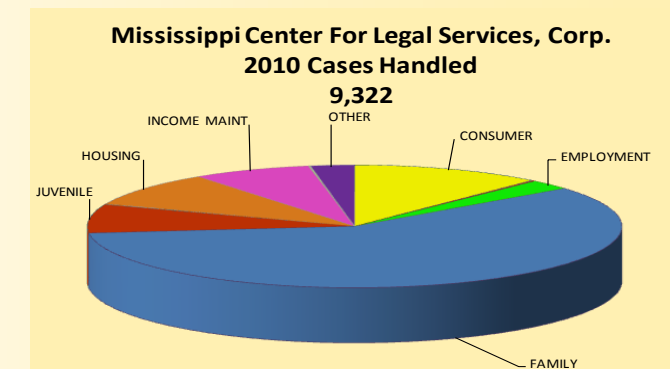
### ***Community Education and Outreach***

Provide workshops and seminars on topics of interest.

### ***Restrictions***

#### ***Types of cases NOT Handled***

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



## Staff Making a Difference

**Virginia Hales Brown**, began working with



Southeast Mississippi Legal Services in the Laurel office in January 1985. Virginia is married to Robert L. Brown, and they are the proud parents of 3 children and 7 grandchildren.

Upon graduating from Northeast Jones High School in 1976, Virginia enrolled at Jones County Junior College where she earned her Associate of Arts degree with a major in Education. She enrolled at the University of Southern Mississippi(USM) where

she majored in Psychology and earned her Bachelor of Science Degree, graduating with magna cum laude distinction. Virginia earned her Master of Science degree from Mississippi State University (MSU) with emphasis in Community Counseling, graduating with highest honors for maintaining a perfect GPA of 4.0 for the 60-hour graduate program.

In 2006, she enrolled in real estate school. Upon completion of real estate studies, she successfully passed the qualifying examination and obtained her real estate license for the states of Tennessee and Mississippi. A year later, she enrolled in real estate broker's courses. After meeting all educational and experience requirements and successfully passing the real estate broker's examination, She obtained her broker's license in February 2008. In July 2008, Virginia opened her own real estate brokerage office in Hattiesburg, establishing a corporation in the name of VHBrown & Associates, LLC.

Virginia brings her exceptional background, a strong work ethic and moral values to providing essential services to clients as a paralegal and housing counselor.



(pictured: Robin J. Robinson, M.B. Swayze Foundation Chair; Dr. Thomas L. Wells, Dean, Leadership Mississippi; Cherri Green; 2010 Leadership MS graduate and David Gates, Chair, Leadership Mississippi)

On December 3, 2010, **Cherri Green**, Resource Development Coordinator, became 1 of 52 leaders from across Mississippi to be inducted into the Mississippi Economic Council's Leadership Mississippi.

Leadership Mississippi is the second oldest leadership program in the United States. Leadership Mississippi's purpose is to identify and work with Mississippi leaders in strengthening our State by focusing on government and public affairs, economic development, environmental resources, health and education and quality of life. By focusing on these five areas, Leadership Mississippi, empowers participants with information to make a strong impact in our State.

### Ruth Morrison



Ruth is a paralegal with the Call Center and serves as a member of the Immigration Clinic Advisory Board. The Immigration Clinic has been present in the immigrant community for the past 9 years in the State of Mississippi. The Immigration Clinic provides direct services, advocacy and community education. The Clinic specializes in family based immigration services.

In her role as Board Member, Ruth has responsibility to oversee community involvement, to direct and develop the Clinic's role in the community, to disseminate information about the Clinic and to further the Clinic's mission by engaging in ways to reach the immigrant community located throughout Mississippi, by continuing the provision of premier professional services to the community and by assuring the efficiency of services.

## MCLSC Collaborates to Address Oil Spill

**Life is good on the Mississippi Coast!** The food, golf, night life, or simple sunsets can seem magical. Yet in reality these things depend on the labor of people from working class neighborhoods which stretch from Biloxi to Bay St. Louis. These quiet communities were changed one Monday morning when Hurricane Katrina swept off of the Gulf. Homes, savings and jobs were impacted. Many people had to reach deep inside to be a survivor. Take for instance a single parent of two, whom I will call Anna. After the 2005 storm, she chose to stay on the Coast. In time, Anna and her family put their lives back together.

Anna began to work in food service. Following the Recession of 2008, she maintained a part time cook position at one of the best beachside casinos. In early 2010, Anna's job became full time. She rejoiced hoping to find normalcy in a 40 hour job. Soon, however, the April 20th Gulf Oil Spill dampened the start of the usually busy summer season. The drop in tourists brought a cut in her hours. For more than half of a year, her income was reduced. Anna, by herself, filed for the loss with the Gulf Coast Claims Facility. Her claim was denied without a clear explanation. Some people have found the Claim process complicated and cumbersome. However, Anna learned her local Legal Services Office was assisting people with such claims. Anna, with her MCLSC Attorney, presented documentation that her promotion to full time status, prior to the spill, entitled her to receive compensation for lost wages and income. **Life goes on.**

MCLSC is proud to be in partnership with similar organizations in the coastal areas of the five Gulf States. In reaction to the unprecedented nature of this event, special contractual funding was secured. The multi-state partnership encourages the sharing of information and designates funds for attorneys to focus exclusively on this new important legal arena. In Mississippi, the contact number for assistance is **1-888-725-5423**.

*From the desk of Charles Allen, Staff Attorney*

### In Memoriam

#### Hillary Ricci Cockrell



As an employer, when MCLSC hires someone who turns out to meet our expectations, the program considers itself fortunate. When we hire an employee who transcends all expectations, we know we have been blessed. Exceptional in everyway, Hillary an Intake Specialist with the Call Center, was a blessing to those with whom she worked, and our clients for whom she worked.

Julia Crockett, our Deputy Director, instructs workers that before answering each call, to pause a second, put a smile on their faces, and that smile would reflect in the tone of their voices. No one had to instruct Hillary to smile. Hillary was always smiling and her outward smile evidenced and inward heart that was caring and compassionate toward our clients. She was driven by a standard of excellence, was conscientious, thorough, giving attention to details. She was task oriented and took pride in a job completed well and timely.

She valued and respected her co-workers. She was warm and friendly and was always willing to share her knowledge and skills, and to mentor new employees. Hillary passed unexpectedly on October 2, 2010. She was 26 years old. To say we will miss her is an understatement. **"We loved her and will cherish the time Hillary was with us."**

The following are some of the more significant cases which have been litigated in 2010:

**Mississippi Gulf Coast Properties v. Radosta v. Justice Court Clerk of Harrison County** in the County Court of Harrison County resulted in an injunction being entered against the Justice Court Clerk of Harrison County to add language to the Justice Court's form summons which had heretofore misled litigants regarding the effects of default.

**Blakeney v. BHA**, fair housing complaint; resulted in the provision of pre-addressed envelopes for all tenants of the complex without an onsite manager to ensure that tenants with mental challenges were not evicted for misaddressing rent payments.

**Johnson v. Jefferson**, Chancery Court of Harrison County resulted in an award of \$69,000.00 back child support where client had been unsuccessful in getting assistance.

**RonJon LLC v. Lee** in the County Court of Harrison County; resulted in the dismissal of an unlawful entry and detainer action for failure to use a sheriff as required by statute for service of process, and - in light of plaintiff's attorney's assertion of routine use of private process servers in previous similar actions - to the court's *sua sponte* investigation of same.

**Regency of Mississippi, Inc. v. Debbie Chandler**, in the County Court of Harrison County; involves the form contract of a mobile home park based on Tennessee law which MCLSC asserts is being improperly used to seize tenant trailers.

**Sisson v. Saxon Mortgage et al** currently on appeal to the Supreme Court; challenges the imposition of excessive force-placed flood insurance charges. Interim litigation in the same case has resulted in FDCPA damages to the Plaintiff.

**Reyna v. Rodriguez**, challenges the City of Gulfport's practice of allowing landlords to discontinue city water service to tenants as a means of eviction and to prohibit the tenants from resuming water service under their own name. While pending, the suit resulted in resumption of utilities and dismissal of landlord's eviction action.

A **Natchez client** came in for assistance with an eviction notice from a private landlord. Her Complaint included allegations that the land lord had caused various items of persona property to be removed from the apartment. She was advised of the proper eviction proceeding under the law and that there is a legal recourse for the loss of any personal property, that being to pursue the matter in County Court or the Justice Court. She was advised that she could not proceed in Justice Court without paying the proper fees to do so, as there was no provision for such. A review of the local rules and statues revealed that the information she had received was incorrect. She was provided a necessary motion, affidavit and order to proceed in Forma Pauperis. Upon presenting the papers to the clerk, the clerk presented the papers to the Judge, who advised the clerk of the legality of the client's request and documentation, and the Judge sustained the motion to proceed in Forma Pauperis. Thus, there is now precedence for filing Forma Pauperis in Justice Court.



## Community Outreach and Education



Jackson Town Hall Meeting



Columbia Town Hall Meeting



Staff Members in Action



MCLSC's Focus/Advisory Group Meeting

# Responding to Foreclosure Crisis

By Amanda P. Traxler, Esq.

Project Director, Foreclosure Defense



As the Project Director of Foreclosure Defense, I am so pleased to report to you the status of our endeavor. Upon my placement in this position on January 4, 2010, I knew immediately that I had a very big task ahead of me. As the only Mississippi Legal Services attorney funded by the Institute of Foreclosure Legal Assistance (IFLA), to direct a foreclosure defense project in the midst of the foreclosure crisis, I was sure it would be a challenge. But, as John F. Kennedy once said, “when written in Chinese, the word crisis is composed of two characters—one represents danger, and the other, opportunity.” I knew that I had been given a tremendous opportunity and one with the potential to make a substantial impact.

I thought that the best place to start was in the law. I read federal statutes, state statutes and state and federal cases from all over the country in an attempt to gain as much knowledge as possible on the current law of foreclosure defense. In doing so, I also learned of many new programs being implemented by our President and Congress to aid our Nation in overcoming the crisis in the housing market

I wanted to inform as many people as possible. I prepared interoffice memoranda on the new programs, and was soon approached by a local non-profit to speak at a homeowner workshop on foreclosure mitigation and loss prevention. By year’s end I had given my presentation and been available to speak to local persons at four homeowner workshops throughout the Gulf Coast region. At any given workshop, 50-100 people attended and received useful information to enable the homeowner to prevent foreclosure with modifications, forbearance agreements and other mitigation tactics, thus enabling a person to utilize self-help to navigate the process in the absence of an attorney.

Aside from the outreach programs implemented and conducted, the foreclosure project continues to keep

hundreds of clients in their homes. I am pleased to report that, according to IFLA’s numbers as posted on its website, we are serving as many persons as IFLA grantees in Los Angeles and Chicago,

I now turn your attention to a few stories that describe the impact of the program in ways numbers cannot. New precedent was created in litigation and a couple of very large settlements were negotiated. The following stories better highlight my personal, day to day experiences.

Mr. Smith<sup>1</sup>, who has a son with Down’s Syndrome and a wife with terminal cancer, came to me in January of 2010, after the conclusion of the foreclosure sale. He no longer owned his home but it had been purchased by the same bank that originally held his mortgage note. Eviction proceedings were also well under way. By successfully challenging defective process and filing a request for a HUD occupied conveyance, Mr. Smith has been able to keep his family in their home for the past twelve months. He knew that he was at the end of the rope when he came to the MCLSC and he is so appreciative of the time our program has provided him to devise a long-term housing plan.

Like a doctor who treats “the whole person,” I try to assist the whole client. As a MCLSC client, Mr. Smith received information on assistance through the list of community resources I provide to my clients with contact information for local agencies that provide funding for things like utilities and medicine. I put Mr. Smith in contact with Karen Rice, a paralegal with our office, who opened her own file on him and is currently appealing his wife’s disability claim which was previously denied. Mr. Smith applied for and is now receiving SSI/Disability on behalf of his precious five year old son, James.

We represented a Mr. Jones. The eviction was dismissed in Justice Court and Counsel for the Plaintiff agreed not to appeal that decision.

With limited options, Mr. Jones, a sweet local



man inflicted with COPD and end-stage congestive heart failure, came to me in August *after* a judge had ordered his lockout. Not only was the foreclosure complete in this case but the judicial eviction process had concluded in Judgment. I am pleased to report that we have kept Mr. Jones in his residence. We are awaiting a decision on a permanent HUD Occupied Conveyance for which application was made on his behalf last fall. After a Judge initially ordered that he be locked out of his home in ten (10) days, Mr. Jones has been enabled to remain in the home he watched his father build in 1956.

Finally, I would like to share the story of Ms. Wen and how our program assisted her. She came to me one Friday in June. Ms. Wen was not yet a client but she was terribly upset and she had no where else to go for help, as she was on the verge of losing her home and to be sure, it was the last thing she had left.

Ms. Wen is a native of Vietnam and had been an engineer in her country. Soon after moving to the United States, her husband deserted her. Not long after that, she lost her job due to budget cuts and she was struggling to make ends meet. She received a very small amount of child support from her former husband who is a self-employed fisherman and paid in cash. Her son is a student at a

local public junior high school. As he is very involved in the band at his school, it was very important to Ms. Wen that they remain in the school district.

I first assisted her in finding employment as she could not be granted a modification absent employment, nor would she have been eligible to file a Chapter 13 Bankruptcy.

Ms. Wen now works in the engineering field as an assistant. We applied for and she was granted a modification of her mortgage loan. Ms. Wen has avoided foreclosure and she can make her monthly payments which are now only \$550.00. Prior to modification, her monthly mortgage payment was \$960.00. We got the good news just in time and I was able to confirm that the foreclosure sale date was cancelled. She is a different person today. She is confident and she is happy. She is secure in the knowledge that she will be able to continue to provide a home for her son.

If not for this program, these stories would be very different. I consider it an honor to participate in this journey and a privilege to tell the story. I would like to send a special note of gratitude to Jeremy Eisler for his constant guidance in this endeavor. His knowledge and experience are tremendous assets to the Foreclosure Defense program. I would also like to express a special note of recognition to Karen Rice who helps me to stay motivated every time I hear her speak to a client. And to all of you...Let’s keep fighting the good fight.

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<sup>1</sup> The names of the clients mentioned in this article have been changed to protect their privacy.

## About the author

**Amanda P. Traxler** graduated with distinction in the field of Political Science from Millsaps College, receiving her Bachelor of Science Degree in 2003. She went on to earn her Juris Doctorate from the University of Mississippi School of Law in 2006. After being in private practice for four years, Ms. Traxler joined the MCLSC family and was named the Project Director of Foreclosure Defense. She represents clients facing foreclosure all over the State of Mississippi and she is a Mississippi Bar Association approved CLE instructor in the area of Foreclosure Defense Litigation. She is a native of Diamondhead, Hancock County, Mississippi, where she now lives with her son Reeves.