

## **Chancery Court addresses access to justice for the poor in Lauderdale, Clarke counties**

May 29, 2013

Chancery Judge Larry Primeaux and a dozen local lawyers are working to find ways to provide civil legal assistance to low income people in Lauderdale and Clarke counties.

Judge Primeaux and local attorneys met with Mississippi Access to Justice Commission Executive Director Davetta Lee and Court of Appeals Judge Donna Barnes on Friday, May 24, in Meridian to discuss ways to help people who can't afford to hire a lawyer.

Judge Primeaux said, "Our overall objective is to determine if there are people who, due to economic circumstances, are under-served by attorneys, and if there are, (determine) how can we serve them in civil matters."

The number of self-represented people, known as pro se litigants, increases each year. Judge Primeaux said that he sees two or three people each week trying to represent themselves without a lawyer in Lauderdale County Chancery Court, and one or two in Clarke County. "It's not a crushing problem with numbers, but I worry about the individuals," he said.

People have a right to represent themselves. But many of the pro se litigants have no other choice, said Judge Barnes, who is chair of the state Access to Justice committee on delivery of services. "These are people who would love to have a lawyer if they could afford it."

Pro se litigants seeking no-fault divorce is a frequent problem area. Usually, "they don't know what in the world they are doing," Judge Primeaux said.

The only previous court exposure many pro se litigants have is what they saw on television. "Most chancery litigants think it's like going to Judge Judy or Judge Joe Brown," Lee said.

Since they don't understand laws, rules and procedures, self-represented litigants have less favorable outcomes. "I've never seen a pro se litigant leave the courtroom in better shape than when they walked in," Judge Primeaux said.

Pro se litigants also take up more of the court's time. Meridian attorney Joel Hamilton said providing legal help to those who can't afford it also helps unclog the court system, allowing more litigants to have their matters heard quicker.

Judge Primeaux said, "We can either find a way to ride this wave, or we can drown in it."

Two out of three pro se litigants who appear in his court seeking a divorce have children. Judge Primeaux does not allow litigants to represent themselves in cases in which children are involved. He will either appoint a guardian ad litem to represent the best interests of the children, at the parents' expense, or the parents can hire attorneys.

If they can't afford a lawyer, he sometimes walks outside the courtroom and ropes in a lawyer there on other business. "I'll tell them, 'These people don't have any money. Can you go light?'"

Meridian attorney Bob Bresnahan said, “We are under the obligation to provide pro bono service. I have been doing it since I started practicing law. We ought to be able to help people who can’t help themselves.”

Hamilton said that Wesley House is working to start a Family Justice Center to deal with family violence. The Family Justice Center approach is based on the San Diego Family Justice Center, which opened in 2002. The Family Justice Center model brings together at one location a multi-disciplinary team of professionals who work together to provide coordinated services to victims of family violence. The concept is to provide one place where victims can go to talk to an advocate, plan for their safety, interview with a police officer, meet with a prosecutor, receive medical assistance, receive information on shelter, and get help with transportation.

Judge Barnes and Lee outlined recent statewide efforts intended to improve access to the courts for low income people. For instance, in 2011, the Supreme Court, at the request of the Access to Justice Commission, amended court rules to allow lawyers to provide limited scope representation to make services more affordable. The Supreme Court also amended conflict of interest rules to encourage lawyers to provide volunteer services to legal hotlines and clinics. On the local level, pro se clinics are conducted periodically in DeSoto, Forrest, Hinds, Lafayette and Washington counties. Chancery Courts in Forrest, Harrison and Jones counties created their own forms to assist pro se litigants in limited areas of family law. Thirteen of the largest law firms in the Jackson area created a practice area guide and document forms to assist pro bono lawyers who are willing to take cases outside their normal practice area.

Local needs drive those programs.

Lee said, “What is relevant in your area, and how can we help you do it?”

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