

Access to Justice Commission discusses legal needs of the poor

March 1, 2007

The Mississippi Supreme Court has called for a series of regional public discussions about the need for civil legal services for the poor.

“This Court finds a need for regional public discussions of the current status of the need for, and delivery of, civil legal services to the poor,” Supreme Court Chief Justice James L. Smith Jr. said in an order signed on Feb. 27 and filed on March 1.

The series of meetings, which are expected to be scheduled around the four Congressional districts in September and October, are part of the work of the Mississippi Access to Justice Commission. The Supreme Court created the Commission in June 2006 to investigate the need for civil legal services to the poor in Mississippi, and to evaluate, develop and recommend policies, programs and initiatives which will assist the judiciary in meeting the need for civil legal services to the poor in Mississippi.

The Commission, which met on Feb. 28 in Jackson, discussed plans for “town hall” style meetings on college campuses and possibly at the Supreme Court. Locations and dates have not been finalized, but will be announced later.

The Commission also heard presentations about the Mississippi Bar’s work to recruit private lawyers to assist poor people, efforts to improve Legal Services offices’ statewide telephonic call center, and ways to help people who represent themselves in court.

Rev. Stan Buckley of Jackson, chair of the Commission’s Public Awareness and Communications Committee, said, “We need to reach those who need help, and we need to reach those who can provide help....We believe the town hall meetings would be the best way to bring together those people.”

Rev. Buckley, senior pastor of First Baptist Church in Jackson, said public officials who can provide funding as well as members of the legal community who can help provide services “need to know these are real, live people with problems who are struggling, and something needs to be done.”

Mississippi Supreme Court Justice Jess H. Dickinson, the Court’s liaison to the legal services community, said the series of meetings will provide information that will assist the Court in determining what it should do to fulfill its obligation to provide access to justice for all people. The Access to Justice Commission will make recommendations to the Court based on information gathered from the town hall meetings.

North Mississippi Rural Legal Services and the Mississippi Center for Legal Services have staff lawyers who represent poor people in civil legal matters such as domestic disputes and housing and consumer issues. Legal Services offices may be reached through a toll-free call center at 1-800-498-1804. Legal Services is working to fix technical problems that have resulted in delays and dropped calls, said Sam Buchanan, executive director of the Mississippi Center for Legal Services.

But there are far more calls for service than Legal Services lawyers available to meet the needs. Also, the federally funded Legal Services offices are prohibited from accepting some categories of cases.

Buchanan said, “There are hundreds of thousands of litigants in Mississippi who cannot be represented by Legal Services.”

The Volunteer Lawyers Project of the Mississippi Bar enlists the aid of private practice attorneys who are willing to represent poor clients for free. The Volunteer Lawyers Project and the Mississippi Bar Delivery of Legal Services Committee are working to recruit more private practice lawyers to help poor people. Thirteen law firms are working to develop legal support materials to assist volunteer lawyers in representing litigants in specific practice areas, said Virginia Munford, chair of the Delivery of Legal Services Committee.

Munford and Access to Justice Co-Chair Joy Lambert Phillips said a proposed change in the rules

governing the practice of law could allow inactive attorneys and out of state lawyers to do limited practice representing poor people. The Access to Justice Commission approved a resolution supporting a rule change.

The Commission discussed how to help people who are forced to represent themselves in court. They are known as *pro se* litigants.

Justice Dickinson said, "It's not a question of whether or not we want to allow *pro se* litigants in our courts -- they are already here by the thousands. People get sued every day who have no money and no lawyer....and these people have no choice but to represent themselves. Many are destined to lose by default judgment because they have no idea how to navigate the court system to represent themselves."

Justice Dickinson recently spoke at the South Central Regional Conference on Pro Se Litigation, sponsored by the American Judicature Society and held Feb. 1-3 in Houston, Texas. Mississippi lags far behind other states in providing people and legal materials to help *pro se* litigants and in making the courts easier to navigate, he said.

Circuit Court Administrator Sherry Moss Davis knows the frustrations of *pro se* litigants. Davis, incoming President of the Mississippi Court Administrators Association, deals with *pro se* litigants regularly as walk-ins or on the phone in the district that includes Claiborne, Copiah and Jefferson Counties. Davis has watched *pro se* litigants struggle with legal terms and court procedures, with filing documents, and with making their own presentations to a judge.

"It's very intimidating to stand in front of a courtroom," she said.

Davis cited examples of litigants who have successfully represented themselves. But even if they successfully represent themselves, the proceedings move more slowly.

Davis said she is committed to helping people, but there is a fine line between giving legal information and giving legal advice. It's against the law for anyone other than a lawyer to give legal advice. Some court personnel will say they can't help, for fear of crossing the line into unauthorized practice of law. Davis said developing a set of clear guidelines and instructions for court personnel would be a good place to start.

The Volunteer Lawyers Project conducts monthly legal clinics to assist people preparing to represent themselves in uncontested divorce proceedings in chancery courts in Copiah, Hinds and Madison counties. Volunteer lawyers provide basic information about how to prepare and file the documents, then review the documents *pro se* litigants have prepared, said Volunteer Lawyers Project Executive Director Shirley Williams.

"We only do that because we don't have enough volunteer lawyers. It's an alternative method," Williams said.

The Volunteer Lawyers Project is considering offering similar legal clinics for divorced parents seeking to represent themselves in child support collection efforts, said Hinds County Chancery Judge Denise Owens, co-chair of the Access to Justice Commission.

Ben Cole, executive director of North Mississippi Rural Legal Services, said he saw progress in the discussions of the Access to Justice Commission. "It's so encouraging. It looks like some time in the near future, we are going to be addressing those issues that are going to expand access to our judicial system."

The Access to Justice Commission addresses civil legal representation of the poor. It does not deal with indigent criminal defense.

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Media Contact: Beverly Pettigrew Kraft, Administrative Office of Courts, 601-354-7452