

Legal assistance offered April 16 in DeSoto County family law cases

April 2, 2013

A legal clinic scheduled for April 16 in Hernando will assist low income people with irreconcilable differences divorces, child support or custody modifications, name changes and other similar cases in DeSoto County Chancery Court.

The 4 to 8 p.m. pro se clinic will be held at the DeSoto County Courthouse. People seeking assistance must contact the Mississippi Volunteer Lawyers Project in advance to be screened for eligibility. The phone number is 601-960-9577.

Participation is limited to DeSoto County residents with an annual income of less than 125 percent of the federal poverty level. That would be annual income of less than \$13,963 for an individual, or less than \$28,813 a year for a family of four.

This is the second pro se clinic for DeSoto County residents. Six people were assisted at the first clinic on Feb. 26. Pro se clinics are also scheduled for June 18 and Sept. 10 at the DeSoto County Chancery Court.

The project is a cooperative effort by the University of Mississippi School of Law, the Mississippi Volunteer Lawyers Project, the DeSoto County Bar, and the DeSoto County Chancery Court.

University of Mississippi School of Law Professor Deborah Bell suggested the project to Chancery Judge Percy Lynchard, and he thought it was a great idea.

A similar pro se clinic has been held quarterly in Washington County Chancery Court since September 2010. Approximately 500 people have been assisted in Washington County since the Pro Se Day program started in September 2010, said Mississippi Volunteer Lawyers Project Executive Director Tiffany Graves.

“Without question, the program has enabled residents of the Delta to receive services from pro bono attorneys at rates that would not have otherwise been possible,” Graves said.

Judge Lynchard said he has seen a dramatic increase in people attempting to represent themselves without an attorney in his court, possibly due to the economy. North Mississippi Rural Legal Services can’t accommodate all of the people who need civil legal assistance.

People who attempt to represent themselves, known as pro se litigants, face difficulties navigating the courts.

Judge Lynchard said, “There is no way somebody pro se is going to come into court and be successful at all against someone with an attorney. They are going to be boxed around by the rules. If you have all the evidence in the world but can’t get it admitted, you might as well not have it.”

“They will come into court on something as simple as an irreconcilable differences divorce. Both of them want it. Both of them need it. But they just can’t get the paperwork done,” Judge Lynchard said.

Lawyers at the pro se clinic may give legal advice, draft pleadings, help litigants get their documents in order, and may help talk them through how to file the documents. The attorneys don’t have to go to court with the litigants, although some may agree to do further assistance pro bono.

Law students interview and assist the pro se litigants under the supervision of the volunteer attorneys. The students may help draft pleadings.

“The students get to hear the attorneys formulate the advice,” Bell said. “It’s a great learning experience for the students.”

Helping low income litigants may instill in the students a commitment to service, Bell said.

Judge Lynchard said he would consider expanding the program to the other five counties in the district if it works well. DeSoto was chosen as the first county in the district because it is the most populous and has the most cases. Other counties in the Third Chancery District are Grenada, Montgomery, Panola, Tate and Yalobusha.

Bell said the pro se program has worked well in Washington County, and has been strongly supported by local lawyers there. “There is an incredible crew of local lawyers ... who show up time after time,” she said. “What they have done is a model for what local attorneys might do all over the state, which would make a big difference.”

Washington County lawyers kept the pro se clinic going even after it appeared that the Volunteer Lawyers Project would not have funding to continue it, said Chancery Judge Marie Wilson of Greenville. The Washington County project started with three local attorneys. Fifteen attorneys volunteered at a March 20 pro se clinic in Greenville, Judge Wilson said. University of Mississippi law students assisted.

Judge Wilson said she schedules pro se clinics quarterly in Washington County so that people needing help do not have to wait for an extended time. The next ones are set for June 19 and Sept. 18 at the Washington County Chancery Court in Greenville.

Judge Wilson limits cases to simple proceedings including divorces, visitation and name changes. She estimates that she handles 30 cases per session.

Attorneys at the Washington County clinic help litigants to get their documents in order. The clients are people who have attempted to represent themselves and run into problems with their documents.

Judge Wilson said dealing with pro se cases has been frustrating for the litigants and for her. She would see people return to court time after time, unable to draft documents that complied with court requirements.

“They would get mad at me when they think I’m being too picky. But it’s the law,” she said.

The volunteer attorneys could help straighten out the mistakes.

“It has worked. It cleared up my docket, Judge Wilson said.

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