

STEPS TO ASSIST SRLs TO BE FAIRLY HEARD

A Self-Represented Litigant's unfamiliarity with Court rules and procedures can affect their ability to be fairly heard.

Mississippians have a right to represent themselves.

Article 3, Section 25 of the Mississippi Constitution states: “No persons shall be debarred from prosecuting or defending any civil cause for or against him or herself, before any tribunal in the state, by himself or herself, or counsel, or both.”

The Mississippi Code of Judicial Conduct Canon 3(B)(7) provides that “A judge shall accord to all who are legally interested in a proceeding, or their lawyers, the right to be heard according to law.”

A **self-represented litigant** (also known as a *pro se* litigant) is someone who represents himself/herself in Court. SRLs often assume that the Court will schedule all necessary hearings and inform them of what they may need to do at each step of their case. SRLs do not know that Court rules may require that they take the initiative to move their case forward. The following can assist in informing SRLs about Court procedures:

1. **Self-Help Centers**: Court based self-help centers have been implemented in some states to provide information and assistance to SRLs.
2. **Courts' Websites**: Courts may provide information on their websites, including local rules, forms and links to resources, to help SRLs.
3. **Pamphlets and Checklists**: Pamphlets and checklists could be available at clerks' offices or at the courthouse. Checklists might include information about Service of Process, filing an Answer, Discovery responses, setting Hearings and other steps to a case.

The Mississippi Access to Justice Commission has resources for SRLs online at www.msatjc.org.

- **Online Forms**
- **Links to Court Rules**
- **Court Tips**
- **Courthouse Directory**
- **Self-Help Videos**
- **Library Directory**
- **Links to MS Code Online**
- **Content on a Variety of Legal Topics**

Online resources for Judges:

- *Handling Cases Involving Self-Represented Litigants: A National Bench Guide for Judges* <https://ncsc.contentdm.oclc.org/digital/collection/accessfair/id/250>
- Self-Represented Litigation Network: <https://www.srln.org/>

STEPS JUDGES CAN TAKE TO ASSIST SRLS

Implementing some of these steps can assist the Court and Self-Represented Litigant in moving their case forward and ensuring that they are fairly heard.

- Sample Preliminary Instructions: explain what will happen at the trial or hearing, who will speak first, what you expect from the SRL and what the SRL can expect.
- Sample Basic Rules for Evidence Presentation: an overview of the evidence rules may assist both parties in efficiently presenting relevant, admissible evidence during a trial or hearing.
- Sample List of Elements to be Proved: a statement of the elements needed for a certain legal issue can be helpful for a SRL to determine what evidence to provide to the Court.
- Sample Questions to Elicit Critical Information
- Sample Questions to Establish the Foundational Requirements for Documents and Photographs
- Sample Questions to Establish the Admissibility of Hearsay
- Sample Setting of Ground Rules When One Party is Represented
- These are some generally accepted phrases Judges can use to assist a SRL at trial or hearing:
 - “I understand and appreciate . . .”
 - “Please talk directly to me and not to _____.”
 - “Stay with the facts of the case—rulings are based on the law—not on your opinion.”
 - “Remember, anger is not persuasive.” OR “Raising your voice is not helpful.”
 - “Give me a little more information about _____.”
 - “Help me understand _____.”
 - “I know that it is difficult to wait your turn. I assure you that I will see that you are allowed your turn as well.”
 - “I can tell that you really care about your children.”
 - “It sounds like you really tried to . . .”

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