

# 8th Circuit reiterates: Employees who sue have no right to free legal assistance

In a bit of good news for employers plagued by frivolous *pro se* lawsuits, the 8th Circuit Court of Appeals had reaffirmed that former employees who are poor and who are struggling to represent themselves aren't entitled to the help of an attorney at no charge.

**Recent case:** Derrick worked for Tyson Foods as an hourly production worker until he was terminated after receiving two written warnings well as a suspension within a 12 month period.

He filed an EEOC complaint, alleging sex and race discrimination. The EEOC issued Derrick a right-to-sue letter.

However, Derrick didn't receive the letter right away because he had moved and apparently left no forwarding address.

Unable to find a lawyer to take his case—probably because it was obvious the 90-day filing deadline provided in the right-to-sue letter had passed—Derrick decided to represent himself. He filed a federal lawsuit. He also asked the court to appoint an attorney to help him argue that it wasn't his fault he had missed the deadline.

The court refused and dismissed the case. Derrick appealed.

The 8th Circuit Court of Appeals refused to send the case back or order free legal help. It reasoned that case law has long said poor litigants in civil cases aren't entitled to a court-appointed attorney. (*Walker v. Tyson Foods*, 8th Cir., 2018)

**Final note:** The court said it is the employee's responsibility to inform the EEOC of address changes. Not receiving a right-to-sue letter because you moved is no excuse.