



## Maine Supreme Judicial Court

142 Federal Street, P.O. Box 368

Portland, Maine 04112-0368

(207) 822-4286

Leigh I. Saufley  
Chief Justice

August 26, 2005

**TO:** Mark Harrison, Chair; Members of the ABA Commission to Evaluate the Model Code of Judicial Conduct

**FROM:** Chief Justice Leigh I. Saufley

**RE:** Written Comments of Chief Justice Karla M. Gray on Canon 2 in the Preliminary Report of June 30, 2005

I write to express my vigorous support for the modest proposal that Chief Justice Gray has forwarded to the Commission regarding guidance to trial judges for appropriate judicial behavior responding to self represented parties.

Like C.J. Gray, my comments are my own and do not represent those of the Maine Supreme Judicial Court nor of any other particular judicial group. Nonetheless, I am confident that many trial judges in Maine would echo the sentiments found in Chief Justice Gray's comments.

In Maine, we have experienced an exponential growth in the number of litigants who are either unable or uninterested in obtaining legal representation to assist them in the process of litigation. One consequence of this change is reflected in the fact that more than 50% of family related cases in Maine involve a party who is self-represented. This is a reality for trial judges. To leave those trial judges without guidance on the thorny issues of the extent to which they may, without putting a thumb on the scale of justice, assist a self-represented party in understanding the proceedings, invites stress for those already strained trial judges,

and leaves the public without an ability to understand what can and should be expected of trial judges in those circumstances.

Accordingly, I urge you to consider Chief Justice Gray's comments very seriously. Please do keep in mind that the model code will be looked to by judges from a variety of benches. It would be a shame to miss the opportunity to address one of the most substantial changes in the delivery of justice that courts have experienced in centuries.

Thank you for your consideration.

Sincerely,

Leigh I. Saufley  
Chief Justice

LIS:ajm