

SUMMARY

N.C.S.T.J. Ethics and Professionalism Committee Monroe County Courthouse
Annette J. Scieszinski Chair,
August 9, 2005

Pro Se Litigants

Judge Scieszinski writes on behalf of the National Conference of State Trial Judges, request that the Joint Commission re-writing the Model Code of Judicial Conduct include guidance on the judge's management of pro se or unrepresented litigants. The language our Conference would recommend as a new comment 2, is:

"A judge may make procedural accommodations to provide pro se litigants the opportunity to have their cases fully heard, and such an exercise of judicial discretion does not raise a reasonable question about the judge's impartiality."

Our concern is that a list of permissible accommodations might be perceived by pro se litigants as a "right", or would culture a basic expectation of assistance from the judge. Several judges predicted that such a list would be used offensively against judicial officers.