

## SUMMARY

Hon. Lora J. Livingston, Chair, ABA Standing Committee on the Delivery of  
Legal Services

William Whitehurst, Chair, ABA Standing Committee on Legal Aid and Indigent  
Defendants

September 8, 2005

The Standing Committee on Legal Aid and Indigent Defendants (SCLAID) and the Standing Committee on the Delivery of Legal Services (Delivery) address the status of pro se litigants. They are seeing a dramatic shift from a time when the predominate number of people were represented, but now tend to appear pro se, too often because they cannot afford a lawyer and legal aid and pro bono programs lack the resources to provide them with full assistance.

The Committees note that not only do pro se litigants face difficulties of their own, they also present challenges to judges. They report that judges who are confronted with pro se litigants state that maintaining impartiality is the major challenge.

They encourage the Commission to include, as part of the commentary to Canon 2.04, the following statement, previously recommended by AJS:

A judge may make procedural accommodations to provide diligent pro se litigants the opportunity to have their cases fully heard. Such an exercise of judicial discretion does not raise a reasonable question about the judge's impartiality. Reasonable accommodations include liberally construing pleadings, explaining the basis for a ruling, refraining from using legal jargon, questioning witnesses for clarification, freely allowing amendments of pleadings, and explaining general matters such as the burden of proof and what types of evidence may and may not be presented.