

Thank you for including me in your distribution of this message. As a trial judge, I simply cannot understand the drive to accommodate pro se litigants. Nothing more ill serves such litigants than to encourage them. Lawyers exist for a reason. If a case is important enough to warrant a trial, it is important enough to warrant the use of a lawyer. Cases in which it is not economically feasible to hire a lawyer should be able to be disposed of in other ways, such as small claims courts.

Why should a person be at a disadvantage because he or she hires a lawyer? If the represented party does not get "procedural accommodations", why should a pro se litigant. Every "procedural accommodation" to a pro se litigant is a "procedural disadvantage" to the represented party. Where is the fairness in that?

Our Pennsylvania Rules of Civil Procedure provide:

Rule 126. Liberal Construction and Application of Rules

"The rules shall be liberally construed to secure the just, speedy and inexpensive determination of every action or proceeding to which they are applicable. The court at every stage of any such action or proceeding may disregard any error or defect of procedure which does not affect the substantial rights of the parties." Pa.R.C.P. No. 126

This rule applies equally to all parties and seems to me to take care of every reasonable accommodation to pro se litigants.

I would suggest that the Conference's suggestion be amended to read as follows:

"A judge may make procedural accommodations to provide all litigants, including pro se litigants, the opportunity to have their cases fully heard, provided that no such accommodation shall be substantively prejudicial to any other party, and such an exercise of judicial discretion does not raise a reasonable question about the judge's impartiality."

Believe me, represented litigants sometimes need "procedural accommodations" as much or more than pro se litigants. Why is it less fair to provide such "procedural accommodations" to represented litigants than it is to provide such accommodations to pro se litigants?

The Honorable Shenkin, Robert J.
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