

The Honorable Shenkin, Robert J.

August 9, 2005

Judge Shenkin disagrees with the special accommodation for pro se litigants. He asks, "If the party who hires a lawyer does not get "procedural accommodations", why should a pro se litigant?" This institutionalizes a basic in equity. Every "procedural accommodation" to a pro se litigant is a "procedural disadvantage" to the represented party. Judge Shenkin suggests 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."