

**PROPOSED AMENDMENT TO
THE CODE OF JUDICIAL CONDUCT**

Current Canon 3.B(8)

(8) A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law. A judge shall not initiate, permit, or consider ex parte communications or other communications made to the judge outside the presence of the parties between the judge and a party, an attorney, a guardian or attorney ad litem, an alternative dispute resolution neutral, or any other court appointee concerning the merits of a pending or impending judicial proceeding. A judge shall require compliance with this subsection by court personnel subject to the judge's direction and control. This subsection does not prohibit:

- (a) communications concerning uncontested administrative or uncontested procedural matters;
- (b) conferring separately with the parties and/or their lawyers in an effort to mediate or settle matters, provided, however, that the judge shall first give notice to all parties and not thereafter hear any contested matters between the parties except with the consent of all parties;
- (c) obtaining the advice of a disinterested expert on the law applicable to a proceeding before the judge if the judge gives notice to the parties of the person consulted and the substance of the advice, and affords the parties reasonable opportunity to respond;
- (d) consulting with other judges or with court personnel;
- (e) considering an ex parte communication expressly authorized by law.

Proposed Amendments to Canon 3.B(8)

(8) A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law and may make reasonable accommodations to afford litigants, including self-represented litigants, that right. A judge shall not initiate, permit, or consider ex parte communications or other communications made to the judge outside the presence of the parties between the judge and a party, an attorney, a guardian or attorney ad litem, an alternative dispute resolution neutral, or any other court appointee concerning the merits of a pending or impending judicial proceeding. A judge shall require compliance with this subsection by court personnel subject to the judge's direction and control. This subsection does not prohibit:

- (a) communications concerning uncontested administrative or uncontested procedural matters;

- (b) conferring separately with the parties and/or their lawyers in an effort to mediate or settle matters, provided, however, that the judge shall first give notice to all parties and not thereafter hear any contested matters between the parties except with the consent of all parties;
- (c) obtaining the advice of a disinterested expert on the law applicable to a proceeding before the judge if the judge gives notice to the parties of the person consulted and the substance of the advice, and affords the parties reasonable opportunity to respond;
- (d) consulting with other judges or with court personnel;
- (e) considering an ex parte communication expressly authorized by law.

COMMENT

When pro se litigants appear in court, they should comply with the rules and orders of the court and should be held to the same standards as litigants with counsel. See *Wheeler v. Green*, 157 S.W.3d 439, 444 (Tex. 2005). It is not a violation of a judge's duty to remain impartial for a judge to make reasonable accommodations to ensure all litigants the opportunity to have their matters fairly heard. By way of illustration, a judge may (either directly or through court personnel subject to the judge's discretion and control): (1) construe pleadings to facilitate consideration of the issues raised;¹ (2) provide information about the proceeding and evidentiary and foundational requirements;² (3) attempt to make legal concepts understandable;³ (4) ask neutral questions to elicit or clarify information;⁴ (5) modify the traditional manner of taking evidence;⁵ (6) permit narrative testimony;⁶ (7) allow litigants to adopt their pleadings as their sworn testimony;⁷ (8) refrain from using legal jargon by explaining legal concepts in everyday language;⁸ (9) explain the basis for a ruling;⁹ (10) make referrals to any resources, such as legal services or interpretation and translation services, available to assist the litigant in the preparation of the case;¹⁰ (11) invite or appoint an amicus curiae to present a particular issue;¹¹ and/or (12) inform litigants what will be happening next in the case and what is expected of them.¹²

¹ CO, MA, MT, WI

² LA, OH, DC, CO, IA, MA, MT, WI. *See also* ME (explain the requirements of applicable rules and statutes so that a person appearing before the judge understands the process to be employed).

³ CO, MA, MT

⁴ LA, DC, MA, MT, WI

⁵ OH, DC, CO, IA, MA, MT, WI

⁶ WI

⁷ WI

⁸ LA, OH, DC, IA, MT, WI

⁹ LA, OH, DC, CO, IA, MA, MT

¹⁰ LA, OH, DC, CO, IA, MA, MT, WI. *See also* ME (inform unrepresented persons of free legal aid and similar assistance that is available in the courthouse or otherwise).

¹¹ *See Dickerson v. United States*, 530 U.S. 428, 441 n.7 (2000).

¹² WI

**PROPOSED TEXAS SUPREME COURT POLICY
ON ASSISTANCE TO COURT PATRONS
BY DISTRICT AND COUNTY CLERKS AND THEIR STAFF**

(a) Purpose and Scope.

The purpose of this policy is to provide guidance to district and county clerks and personnel subject to their direction and control as to what services may and may not be offered to assist court patrons to achieve fair and efficient resolution of their cases.

Services permitted under this policy should be provided in the same manner to all court patrons. No court patron should be denied these services on the basis of being a self-represented litigant.

(b) Definitions.

- (1) "Court patron" means any person, such as an attorney, self-represented litigant, or member of the public, who is accessing the judicial system.
- (2) "Self-represented litigant" means any individual accessing the judicial system who is not represented by an attorney.
- (3) "Legal information" means neutral information about the law and the legal process. Legal information includes information regarding court procedures and records, forms, pleadings, practices, due dates and legal authority provided in statutes, cases, or rules. Legal information is different from legal advice, which involves giving guidance regarding an individual's legal rights and obligations in light of his or her particular facts and circumstances.

(c) Permitted Services. Clerks and their staff may provide legal information to court patrons, including assisting them as follows:

- (1) Providing information about court rules, court terminology and court procedures, including, but not limited to, requirements for service, filing, scheduling hearings, and compliance with local procedure;
- (2) Informing court patrons of legal resources and referrals if available, including, but not limited to:
 - a. Pro bono legal services;
 - b. Low-cost legal services;
 - c. Limited scope legal services;
 - d. Legal aid programs and hotlines;
 - e. Law and public libraries;
 - f. Non-profit alternative dispute resolution services;

- g. Lawyer referral services;
 - h. Internet-based resources;
 - i. Court-sponsored or court-affiliated educational classes, including parenting education and traffic safety classes and alternative dispute resolution services;
 - j. Units or departments of government; or
 - k. Domestic violence resources.
- (3) Encouraging self-represented litigants to obtain legal advice from a lawyer;
 - (4) Providing information about security protocols at the courthouse and directions around the courthouse, including, but not limited to, photocopier and telephone locations, children's waiting room locations, and other courthouse offices;
 - (5) Offering educational classes and informational materials;
 - (6) Assisting court patrons in identifying and providing forms and related instructions based on the court patron's description of what he or she wants to request from the court. Clerks and their staff must provide forms for the waiver of filing fees or other forms as required by law;
 - (7) Explaining the nature of the information required to fill out the forms;
 - (8) Informing court patrons if no approved form exists to accomplish the request and directing the court patron to other legal resources;
 - (9) Recording on forms verbatim information provided by the self-represented litigant if that person is unable to complete the forms due to language, disability or literacy barriers;
 - (10) Reviewing documents and forms for completeness, such as checking for signature, notarization, correct county name, and case number, and if incomplete, stating why the document or form is incomplete;
 - (11) Providing assistance to court patrons pursuing self-guided research;
 - (12) Providing docket information, including but not limited to:
 - a. Stating whether an order has been issued;
 - b. Explaining how to get a copy if one was not provided;
 - c. Reading the order to the individual if requested; or
 - d. Providing instructions about how to access such information.
 - (13) Informing court patrons of the process for requesting a foreign language or sign language interpreter;
 - (14) Instructing a court patron on how to obtain access to a case file that has not been restricted by statute, rule or order, and provide access to such a file;
 - (15) Providing the same services and information to all parties to an action, as requested; or
 - (16) Providing other services consistent with the intent of this policy.

(d) Prohibited Services. Clerks and their staff shall not:

- (1) Recommend whether a case should be brought to court or comment on the merits of a pending case;
- (2) Give an opinion about what will happen if a case is brought to court;
- (3) Represent court patrons in court;
- (4) Provide legal analysis, strategy or advice to a court patron;
- (5) Disclose information in violation of the law;
- (6) Deny a self-represented litigant access to the court, the court docket, or any services provided to other court patrons;
- (7) Tell a court patron anything he or she would not repeat in the presence of any other party involved in the case;
- (8) Refer a court patron to a specific lawyer or law firm, except for as provided by section (c)(2); or
- (9) Otherwise engage in the unauthorized practice of law.

(e) Unauthorized Practice of Law and Privilege. Services provided in accordance with section (c) of this policy do not constitute the unauthorized practice of law and do not create an attorney-client relationship. Information exchanged in accordance with section (c) of this policy is neither confidential nor privileged, except as otherwise protected by law.

**PROPOSED TEXAS SUPREME COURT POLICY
ON ASSISTANCE TO COURT PATRONS
BY COURT STAFF, LAW LIBRARIANS, AND COURT VOLUNTEERS**

(a) Purpose and Scope.

The purpose of this policy is to provide guidance to court personnel subject to a judge or judicial administrator's direction and control, such as court staff, bailiffs, law librarians and staff, and court volunteers, as to what services may and may not be offered to assist court patrons to achieve fair and efficient resolution of their cases.

Services permitted under this policy should be provided in the same manner to all court patrons. No court patron should be denied these services on the basis of being a self-represented litigant.

(b) Definitions.

- (1) "Court patron" means any person, such as an attorney, self-represented litigant, or member of the public, who is accessing the judicial system.
- (2) "Self-represented litigant" means any individual accessing the judicial system who is not represented by an attorney.
- (3) "Legal information" means neutral information about the law and the legal process. Legal information includes information regarding court procedures and records, forms, pleadings, practices, due dates and legal authority provided in statutes, cases, or rules. Legal information is different from legal advice, which involves giving guidance regarding an individual's legal rights and obligations in light of his or her particular facts and circumstances.

(c) Permitted Services. Court personnel, acting in a non-lawyer capacity on behalf of the court, may provide legal information to court patrons, including assisting them as follows:

- (1) Providing information about court rules, court terminology and court procedures, including, but not limited to, requirements for service, filing, scheduling hearings, and compliance with local procedure;
- (2) Informing court patrons of legal resources and referrals if available, including, but not limited to:
 - a. Pro bono legal services;
 - b. Low-cost legal services;
 - c. Limited scope legal services;
 - d. Legal aid programs and hotlines;

- e. Law and public libraries;
 - f. Non-profit alternative dispute resolution services;
 - g. Lawyer referral services;
 - h. Internet-based resources;
 - i. Court-sponsored or court-affiliated educational classes, including parenting education and traffic safety classes and alternative dispute resolution services;
 - j. Units or departments of government; or
 - k. Domestic violence resources.
- (3) Encouraging self-represented litigants to obtain legal advice from a lawyer;
 - (4) Providing information about security protocols at the courthouse and directions around the courthouse, including, but not limited to, photocopier and telephone locations, children's waiting room locations, and other courthouse offices;
 - (5) Offering educational classes and informational materials;
 - (6) Assisting court patrons in identifying and providing forms and related instructions based on the court patron's description of what he or she wants to request from the court. Court personnel must provide forms for the waiver of filing fees or other forms as required by law;
 - (7) Explaining the nature of the information required to fill out the forms;
 - (8) Informing court patrons if no approved form exists to accomplish the request and directing the court patron to other legal resources;
 - (9) Recording on forms verbatim information provided by the self-represented litigant if that person is unable to complete the forms due to language, disability or literacy barriers;
 - (10) Reviewing documents and forms for completeness, such as checking for signature, notarization, correct county name, and case number, and if incomplete, stating why the document or form is incomplete;
 - (11) Providing assistance to court patrons pursuing self-guided research;
 - (12) Providing docket information, including but not limited to:
 - a. Stating whether an order has been issued;
 - b. Explaining how to get a copy if one was not provided;
 - c. Reading the order to the individual if requested; or
 - d. Providing instructions about how to access such information.
 - (13) Informing court patrons of the process for requesting a foreign language or sign language interpreter;
 - (14) Instructing a court patron on how to obtain access to a case file that has not been restricted by statute, rule or order, and provide access to such a file;
 - (15) Providing the same services and information to all parties to an action, as requested; or
 - (16) Providing other services consistent with the intent of this policy.

(d) Prohibited Services. Court personnel, acting in a non-lawyer capacity on behalf of the court, shall not:

- (1) Recommend whether a case should be brought to court or comment on the merits of a pending case;
- (2) Give an opinion about what will happen if a case is brought to court;
- (3) Represent court patrons in court;
- (4) Provide legal analysis, strategy or advice to a court patron;
- (5) Disclose information in violation of the law;
- (6) Deny a self-represented litigant access to the court, the court docket, or any services provided to other court patrons;
- (7) Tell a court patron anything he or she would not repeat in the presence of any other party involved in the case;
- (8) Refer a court patron to a specific lawyer or law firm, except as provided by section (c)(2); or
- (9) Otherwise engage in the unauthorized practice of law.

(e) Unauthorized Practice of Law and Privilege. Services provided in accordance with section (c) of this policy do not constitute the unauthorized practice of law and do not create an attorney-client relationship. Information exchanged in accordance with section (c) of this policy is neither confidential nor privileged, except as otherwise protected by law.

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 01- 9065

ORDER ESTABLISHING TEXAS ACCESS TO JUSTICE COMMISSION

1. In 1999, a statewide planning process for legal services to the poor was initiated in Texas. The Texas planning group consisted of a broad range of individuals representing this Court, the State Bar of Texas, the Texas Equal Access to Justice Foundation, the Texas Bar Foundation, and the network of legal-service providers throughout the state.

2. During the statewide planning process, the following problems were identified:

- many gaps exist in developing a comprehensive, integrated statewide civil legal-services delivery system in Texas;
- many poor people in Texas are underrepresented, in that they receive limited advice from a legal-services provider when they would in fact be better served by full representation on a civil legal matter;
- inadequate funding and well-intentioned but uncoordinated efforts stand in the way of a fully integrated civil legal-services delivery system;
- achieving a committed and active justice community in Texas is essential to the effective delivery of civil legal services;
- while many organizations throughout the state share a commitment to improving access to justice, no single group is widely accepted as having ultimate responsibility for progress on the issues; and
- leadership that is accepted by the various stakeholder organizations committed to achieving full access, and empowered to take action, is essential to realizing equal justice for all in Texas.

3. At the conclusion of the statewide planning process, the planning group adopted an action plan with a broad range of goals and strategies. The cornerstone of the recommendations was that

an Access to Justice Commission be established by this Court to serve as the umbrella organization for all efforts to expand access to justice in civil matters in Texas. The organization would serve as a coordinator to assist all participants in developing strategic alliances to effectively move ideas to action. The Commission would report semi-annually on its progress to both the Court and the State Bar of Texas. The Court, having reviewed the report of the planning group and having received the endorsement of the Board of Directors of the State Bar of Texas, **HEREBY ORDERS:**

1. The Texas Access to Justice Commission is created to develop and implement policy initiatives designed to expand access to and enhance the quality of justice in civil legal matters for low-income Texas residents.

2. The Texas Access to Justice Commission will:

- identify and assess current and future needs for access to justice in civil matters by low-income Texans;
- develop and publish a strategic plan for statewide delivery of civil legal services to low-income Texans;
- foster the development of a statewide integrated civil legal-services delivery system;
- work to increase resources and funding for access to justice in civil matters and to ensure that the resources and funding are applied to the areas of greatest need;
- work to maximize the wise and efficient use of available resources, including the development of local, regional, and statewide coordination systems and systems that encourage the coordination or sharing of resources or funding;
- develop and implement initiatives designed to expand civil access to justice;
- work to reduce barriers to the justice system by addressing existing and proposed court rules, procedures, and policies that negatively affect access to justice for low-income Texans; and
- monitor the effectiveness of the statewide system and services provided and periodically evaluate the progress made by the Commission in fulfilling the civil legal needs of low-income Texans.

3. The Texas Access to Justice Commission consists of fifteen members appointed by this Court and by the State Bar of Texas. A member of the Commission serves a three-year term. The terms of the members are staggered. A member may not be appointed to serve more than two successive full three-year terms. A member who has served two successive full terms is not eligible for reappointment until the third anniversary of the date that the member's last full term on the Commission expired.

4. This Court will appoint eight members to the Texas Access to Justice Commission as follows:

- a justice of the Supreme Court of Texas;
- a judge or justice from a county with a population of 650,000 or more;
- a judge or justice from a county with a population of less than 650,000;
- a member of the Texas Equal Access to Justice Foundation Board of Directors;
- two representatives of a state or federally funded legal-services program; and
- two at-large members who have demonstrated a commitment to and familiarity with access-to-justice issues in Texas.

5. The State Bar of Texas will appoint seven members to the Texas Access to Justice Commission as follows:

- two members of the State Bar of Texas Board of Directors;
- an attorney member of the State Bar of Texas;
- a member of the Texas Bar Foundation Board of Directors;
- two representatives of a state or federally funded legal-services program; and
- an at-large member who has demonstrated a commitment to and familiarity with access-to-justice issues in Texas.

6. This Court and the State Bar of Texas will coordinate appointments to the Texas Access to Justice Commission to assure that:

- at least three members of the Commission are nonattorney public representatives;
- members of the Commission appointed to represent a state or federally funded legal-services program reflect a diversity among Legal Service Corporation funded programs and programs funded from other sources, staff and pro bono based programs, and general civil legal-services programs and specific service- or client-based programs; and
- the members of the Commission reflect the diverse ethnic, gender, legal, and geographic communities located in Texas.

7. This Court will designate the presiding officer of the Texas Access to Justice Commission, after consultation with the President of the State Bar of Texas.

8. The Governor is invited to designate a person to serve as an ex-officio member of the Commission. The Speaker of the House and the Lieutenant Governor each are invited to designate one member of that presiding officer's chamber to serve as an ex-officio member of the Texas Access to Justice Commission. A member appointed by the Governor, Speaker, or Lieutenant Governor serves at the pleasure of the appointing officer.

9. In making initial appointments to the Texas Access to Justice Commission, this Court will designate three members as having a one-year term, three members as having a two-year term, and two members as having a full three-year term.

10. In making initial appointments to the Texas Access to Justice Commission, the State Bar of Texas will designate two members as having a one-year term, two members as having a two-year term, and three members as having a full three-year term.

11. The Texas Access to Justice Commission will submit any strategic plan for statewide delivery of legal services to low-income Texans to this Court and the Executive Committee of the State Bar Board for approval.

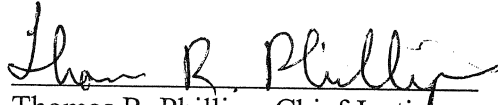
12. The State Bar of Texas has agreed to provide staff and financial support for the Texas Access to Justice Commission. Proposed budgets of the Texas Access to Justice Commission will be subject to the State Bar's annual budgetary process for presentation to the Board of Directors and ultimate approval by this Court. Supervision of the budget of the Commission is the responsibility of the State Bar of Texas. The Commission and staff supporting the Commission will comply with the fiscal policies of the State Bar of Texas.


13. The Texas Access to Justice Commission is subject to sections 81.033 and 81.034 of the Texas Government Code, and is also subject to other relevant provisions of Chapter 81 of the Texas Government Code.

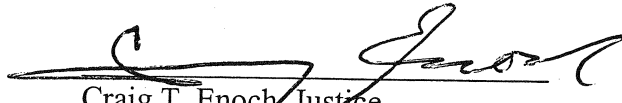
14. The Texas Access to Justice Commission may adopt rules as necessary for the performance of the Commission's duties.

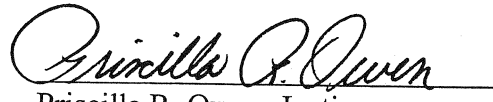
15. The Texas Access to Justice Commission will file, at least every six months, a status report on the progress of the Commission's duties. The Commission will send a copy of the report to both this Court and the State Bar of Texas. The initial progress report will be filed not later than December 1, 2001. The Commission will also provide an oral progress report at each State Bar board meeting.

BY THE COURT, IN CHAMBERS, this 26th day of April, 2001.

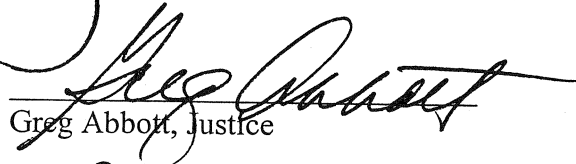

Thomas R. Phillips, Chief Justice

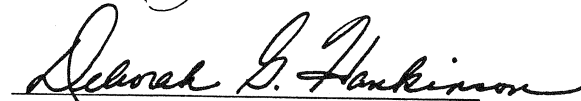

Nathan L. Hecht, Justice

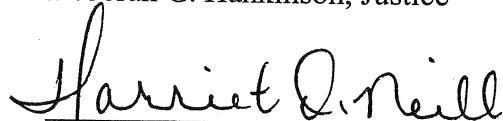

Craig T. Enoch, Justice

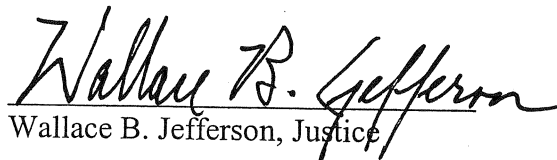

Priscilla R. Owen, Justice


James A. Baker, Justice


Greg Abbott, Justice


Deborah G. Hankinson, Justice


Harriet O'Neill, Justice


Wallace B. Jefferson, Justice

RULE 2.2

Impartiality and Fairness

A judge shall uphold and apply the law,* and shall perform all duties of judicial office fairly and impartially.*

COMMENT

[1] To ensure impartiality and fairness to all parties, a judge must be objective and open-minded.

[2] Although each judge comes to the bench with a unique background and personal philosophy, a judge must interpret and apply the law without regard to whether the judge approves or disapproves of the law in question.

[3] When applying and interpreting the law, a judge sometimes may make good-faith errors of fact or law. Errors of this kind do not violate this Rule.

[4] It is not a violation of this Rule for a judge to make reasonable accommodations to ensure pro se litigants the opportunity to have their matters fairly heard.

Resolution 2

In Support of Expanding Rule 2.2 of the ABA Model Code of Judicial Conduct to Reference Cases Involving Self-Representing Litigants

WHEREAS, the Conference of Chief Justices and the Conference of State Court Administrators have long recognized the importance of access to justice for all; and

WHEREAS, access to courts extends both to lawyer-represented and self-represented litigants; and

WHEREAS, judges would benefit from additional guidance regarding their role in cases involving self-represented litigants; and

WHEREAS, Rule 2.2 of the 2007 ABA Model Code of Judicial Conduct on impartiality and fairness addresses a judge's role in cases involving self-represented litigants only in the "comments" section; and

WHEREAS, the Conferences agree that Rule 2.2 should specifically address cases involving self-represented litigants;

NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices and the Conference of State Court Administrators recommend that states consider adopting Rule 2.2 with the inclusion of the following emphasized wording:

(A) A judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially.

(B) A judge may make reasonable efforts, consistent with the law and court rules, to facilitate the ability of all litigants, *including self-represented litigants*, to be fairly heard; and

BE IT FURTHER RESOLVED that the Conference of Chief Justices and the Conference of State Court Administrators suggest states modify the comments to Rule 2.2 to reflect local rules and practices regarding specific actions judges can take to exercise their discretion in cases involving self-represented litigants.

Adopted as proposed by the Access, Fairness and Public Trust Committee at the 2012 Annual Meeting on July 25, 2012.

**Colorado
Rule 2.6(A)**

Rule

Rule 2.6(A): Ensuring the Right to Be Heard

(A) A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law.

Comment

Rule 2.6: [2] The steps that are permissible in ensuring a self-represented litigant's right to be heard according to law include but are not limited to liberally construing pleadings; providing brief information about the proceeding and evidentiary and foundational requirements; modifying the traditional order of taking evidence; attempting to make legal concepts understandable; explaining the basis for a ruling; and making referrals to any resources available to assist the litigant in preparation of the case. Self-represented litigants are still required to comply with the same substantive law and procedural requirements as represented litigants.

**District of Columbia
Rules 2.2 and 2.6**

Rules

Rule 2.2: A judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially.

Rule 2.6(A): A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law.

Comments

Rule 2.2 Comment [4]: It is not a violation of this Rule for a judge to make reasonable accommodations to ensure litigants who do not have the assistance of counsel the opportunity to have their matters fairly heard. See Comment [1A] to Rule 2.6, which describes the judge's affirmative role in facilitating the ability of every person who has a legal interest in a proceeding to be fairly heard.

Rule 2.6(A) Comment: [1] The right to be heard is an essential component of a fair and impartial system of justice. Substantive rights of litigants can be protected only if procedures protecting the right to be heard are observed. [1A] The judge has an affirmative role in facilitating the ability of every person who has a legal interest in a proceeding to be fairly heard. Pursuant to Rule 2.2, the judge should not give self-represented litigants an unfair advantage or create an appearance of partiality to the reasonable person; however, in the interest of ensuring fairness and access to justice, judges should make reasonable accommodations that help litigants who are not represented by counsel to understand the proceedings and applicable procedural requirements, secure legal assistance, and be heard according to law. In some circumstances, particular accommodations for self-represented litigants may be required by decisional or other law. Steps judges may consider in facilitating the right to be heard include, but are not limited to, (1) providing brief information about the proceeding and evidentiary and foundational requirements, (2) asking neutral questions to elicit or clarify information, (3) modifying the traditional order of taking evidence, (4) refraining from using legal jargon, (5) explaining the basis for a ruling, and (6) making referrals to any resources available to assist the litigant in the preparation of the case.

**Iowa
Rule 51:2.2**

Rule

A judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially.

Comment

[4] It is not a violation of this rule for a judge to make reasonable accommodations to ensure self-represented litigants the opportunity to have their matters fairly heard. By way of illustration, a judge may: (1) provide brief information about the proceeding; (2) provide information about evidentiary and foundational requirements; (3) modify the traditional order of taking evidence; (4) refrain from using legal jargon; (5) explain the basis for a ruling; and (6) make referrals to any resources available to assist the litigant in the preparation of the case.

**Louisiana
Canon 3A(4)**

Rule

A judge shall perform judicial duties without bias or prejudice. A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, and shall not permit staff, court officials or others subject to the judge's direction and control to do so. A judge may make reasonable efforts, consistent with the law and court rules, to facilitate the abilities of all litigants, including self-represented litigants, to be fairly heard, provided, however, that in so doing, a judge should not give self-represented litigants an unfair advantage or create an appearance of partiality to the reasonable person. "Steps judges may consider in facilitating the right of self-represented litigants to be heard, and which (they might find) are consistent with these principles include, but are not limited to:

- (1) making referrals to any resources available to assist the litigant in preparation of the case;
- (2) providing brief information about the proceeding and evidentiary and foundational requirements;
- (3) asking neutral questions to elicit or clarify information;
- (4) attempting to make legal concepts understandable by minimizing use of legal jargon; and
- (5) explaining the basis for a ruling."

**Maine
Rules 2.6 (A) and (C)**

Rule

A. A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law.

C. A judge may take affirmative steps, consistent with the law, as the judge deems appropriate to enable an unrepresented litigant to be heard. A judge may explain the requirements of applicable rules and statutes so that a person appearing before the judge understands the process to be employed. A judge may also inform unrepresented individuals of free or reduced cost legal or other assistance that is available in the courthouse or elsewhere.

Massachusetts
Rule 2.2

Rules

Rule 2.2: A judge shall uphold and apply the law and shall perform all duties of judicial office impartially and fairly.

Rule 2.6 (a): A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law.

Comments

Rule 2.2 Comment [4]: It is not a violation of this Rule for a judge to make reasonable accommodations to ensure self-represented litigants the opportunity to have their matters fairly heard.

Rule 2.6(a) Comment [1A] The judge has an affirmative role in facilitating the ability of every person who has a legal interest in a proceeding to be fairly heard. In the interest of ensuring fairness and access to justice, judges may make reasonable accommodations that help self-represented litigants to understand the proceedings and applicable procedural requirements, secure legal assistance, and be heard according to law.* The judge should be careful that accommodations do not give self-represented litigants an unfair advantage or create an appearance of judicial partiality. In some circumstances, particular accommodations for self-represented litigants are required by decisional or other law.* In other circumstances, potential accommodations are within the judge's discretion. By way of illustration, a judge may: (1) construe pleadings liberally; (2) provide brief information about the proceeding and evidentiary and foundational requirements; (3) ask neutral questions to elicit or clarify information; (4) modify the manner or order of taking evidence or hearing argument; (5) attempt to make legal concepts understandable; (6) explain the basis for a ruling; and (7) make referrals as appropriate to any resources available to assist the litigants. For civil cases involving self-represented litigants, the Judicial Guidelines for Civil Hearings Involving Self-Represented Litigants (April 2006) provides useful guidance to judges seeking to exercise their discretion appropriately so as to ensure the right to be heard. "

Montana
Rules 2.2, 2.5(A), and 2.6(A)

Rules

Rule 2.2: A judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially.

Rule 2.5(A): A judge shall perform judicial and administrative duties competently and diligently.

Rule 2.6(A): A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law.

Comments

Rule 2.2 Comment [5]: A judge may make reasonable accommodations to ensure self-represented litigants the opportunity to have their matters fairly heard. Steps that are permissible in ensuring a self-represented litigant's right to be heard according to law include but are not limited to: liberally construing pleadings; providing brief information about the proceeding and evidentiary and foundational requirements; modifying the traditional order of taking evidence; attempting to make legal concepts understandable; explaining the basis for a ruling; and making referrals to any resources

available to assist the litigant in preparation of the case. Self-represented litigants are still required to comply with the same substantive law and procedural requirements as represented litigants.

Rule 2.5 Comment [4]: ...a judge may take appropriate steps to facilitate a self-represented litigant's ability to be heard.

Rule 2.6[1]: The right to be heard is an essential component of a fair and impartial system of justice. Substantive rights of litigants can be protected only if procedures protecting the right to be heard are observed. Steps judges may consider in facilitating the right to be heard include, but are not limited to: (1) providing brief information about the proceeding and evidentiary and foundational requirements; (2) asking neutral questions to elicit or clarify information; (3) modifying the traditional order of taking evidence; (4) refraining from using legal jargon; (5) explaining the basis for a ruling; and (6) making referrals to any resources available to assist the litigant in the preparation of the case.

Ohio

Rule 2.2 and 2.6(A)

Rules

Rule 2.2: A judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially.

Rule 2.6(A): A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law.

Comments

Rule 2.2 Comment [4]: To ensure self-represented litigants the opportunity to have their matters fairly heard, a judge may make reasonable accommodations to a self-represented litigant consistent with the law.

Rule 2.6(A) Comment [1A]: The rapid growth in litigation involving self-represented litigants and increasing awareness of the significance of the role of the courts in promoting access to justice have led to additional flexibility by judges and other court officials in order to facilitate a self-represented litigant's ability to be heard. By way of illustration, individual judges have found the following affirmative, nonprejudicial steps helpful in this regard: (1) providing brief information about the proceeding and evidentiary and foundational requirements; (2) modifying the traditional order of taking evidence; (3) refraining from using legal jargon; (4) explaining the basis for a ruling; and (5) making referrals to any resources available to assist the litigant in the preparation of the case.

**Wisconsin
Rule 60.04(hm)**

Rule

A judge shall uphold and apply the law and shall perform all duties of judicial office fairly and impartially. A judge shall also afford to every person who has a legal interest in a proceeding, or to that person's lawyer, the right to be heard according to the law. A judge may make reasonable efforts, consistent with the law and court rules, to facilitate the ability of all litigants, including self-represented litigants, to be fairly heard.

Comment

A judge may exercise discretion consistent with the law and court rules to help ensure that all litigants are fairly heard. A judge's responsibility to promote access to justice, combined with the growth in litigation involving self-represented litigants, may warrant more frequent exercise of such discretion using techniques that enhance the process of reaching a fair determination in the case. Although the appropriate scope of such discretion and how it is exercised will vary with the circumstances of each case, a judge's exercise of such discretion will not generally raise a reasonable question about the judge's impartiality. Reasonable steps that a judge may take in the exercise of such discretion include, but are not limited to, the following: 1. Construe pleadings to facilitate consideration of the issues raised. 2. Provide information or explanation about the proceedings. 3. Explain legal concepts in everyday language. 4. Ask neutral questions to elicit or clarify information. 5. Modify the traditional order of taking evidence. 6. Permit narrative testimony. 7. Allow litigants to adopt their pleadings as their sworn testimony. 8. Refer litigants to any resources available to assist in the preparation of the case or enforcement and compliance with any order. 9. Inform litigants what will be happening next in the case and what is expected of them.

State	Rule/Canon Number	Text	Comment
Model Rule	2.2	A judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially.	[4] It is not a violation of this Rule for a judge to make reasonable accommodations to ensure pro se litigants the opportunity to have their matters fairly heard.
Alabama	Canon 3(A)(4)	A judge should accord to every person who is legally interested in a proceeding, or his lawyer, full right to be heard according to law, and, except as authorized by law, neither initiate nor consider ex parte communications concerning a pending or impending proceeding.	
Alaska	Canon 3(B)(7)	A judge shall accord to every person the right to be heard according to law.	
Arizona	Rule 2.2	A judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially.	[4] It is not a violation of this rule for a judge to make reasonable accommodations to ensure self-represented litigants the opportunity to have their matters fairly heard.
Arkansas	Rule 2.2(B) ¹	A judge may make reasonable accommodations, consistent with the law and court rules, to facilitate the ability of all litigants to be fairly heard.	[4] The growth in litigation involving self-represented litigants and the responsibility of courts to promote access to justice warrant reasonable flexibility by judges, consistent with the law and court rules, to ensure that all litigants are fairly heard. Examples of accommodations that may be made include but are not limited to (1) making referrals to any resources available to assist the litigant in the preparation of the case; (2) liberally construing pleadings to facilitate consideration of the issues raised; (3) providing general information about proceeding and foundational requirements; (4) attempting to make legal concepts understandable by using plain language whenever possible; (5) asking neutral questions to elicit or clarify information; (5) modifying the traditional order of taking evidence; and (6) explaining the basis for a ruling.

State	Rule/Canon Number	Text	Comment
California	Canon 3B(8)	A judge shall dispose of all judicial matters fairly, promptly, and efficiently. A judge shall manage the courtroom in a manner that provides all litigants the opportunity to have their matters fairly adjudicated in accordance with the law.	The obligation of a judge to dispose of matters promptly and efficiently must not take precedence over the judge's obligation to dispose of the matters fairly and with patience. For example, when a litigant is self-represented, a judge has the discretion to take reasonable steps, appropriate under the circumstances and consistent with the law and the canons, to enable the litigant to be heard.
Colorado	Rule 2.6(A)	A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law.	[2] The steps that are permissible in ensuring a self-represented litigant's right to be heard according to law include but are not limited to liberally construing pleadings; providing brief information about the proceeding and evidentiary and foundational requirements; modifying the traditional order of taking evidence; attempting to make legal concepts understandable; explaining the basis for a ruling; and making referrals to any resources available to assist the litigant in preparation of the case. Self-represented litigants are still required to comply with the same substantive law and procedural requirements as represented litigants.
Connecticut	Rule 2.2	A judge shall uphold and apply the law and shall perform all duties of judicial office fairly and impartially.	(4) It is not a violation of this Rule for a judge to make reasonable accommodations to ensure pro se litigants the opportunity to have their matters fairly heard.
Delaware	Rule 2.2 and 2.6(A)	Rule 2.2: A judge should be faithful to the law and maintain professional competence in it. Rule 2.6(A): A judge should accord to every person who is legally interested in a proceeding, or to the person's lawyer, full right to be heard according to law.	

State	Rule/Canon Number	Text	Comment
District of Columbia	Rule 2.2 and 2.6	<p>Rule 2.2: A judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially.</p> <p>Rule 2.6(A): A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law.</p>	<p>Rule 2.2 Comment [4]: It is not a violation of this Rule for a judge to make reasonable accommodations to ensure litigants who do not have the assistance of counsel the opportunity to have their matters fairly heard.</p> <p>Rule 2.6(A) Comment [1]: The right to be heard is an essential component of a fair and impartial system of justice. Substantive rights of litigants can be protected only if procedures protecting the right to be heard are observed. [1A] The judge has an affirmative role in facilitating the ability of every person who has a legal interest in a proceeding to be fairly heard. Pursuant to Rule 2.2, the judge should not give self-represented litigants an unfair advantage or create an appearance of partiality to the reasonable person; however, in the interest of ensuring fairness and access to justice, judges should make reasonable accommodations that help litigants who are not represented by counsel to understand the proceedings and applicable procedural requirements, secure legal assistance, and be heard according to law. In some circumstances, particular accommodations for self-represented litigants may be required by decisional or other law. Steps judges may consider in facilitating the right to be heard include, but are not limited to, (1) providing brief information about the proceeding and evidentiary and foundational requirements, (2) asking neutral questions to elicit or clarify information, (3) modifying the traditional order of taking evidence, (4) refraining from using legal jargon, (5) explaining the basis for a ruling, and (6) making referrals to any resources available to assist the litigant in the preparation of the case.</p>
Florida	Canon 3B(7)	A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law.	

State	Rule/Canon Number	Text	Comment
Georgia	Rule 2.8	(A) Judges shall require order and decorum in proceedings over which they preside. (B) Judges shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, and others with whom they deal in their official capacity, and shall require similar conduct of all persons subject to their direction and control. (C) Judges shall not commend or criticize jurors for their verdict other than in a court order or opinion in a proceeding, but may express appreciation to jurors for their service to the judicial system and the community.	[2] It is not a violation of this Rule for a judge to make reasonable accommodations to ensure pro se litigants the opportunity to have their matters fairly heard.
Hawaii	Rule 2.2	A judge shall uphold and apply the law and shall perform all the duties of judicial office fairly and impartially.	[4] It is not a violation of this Rule for a judge to make reasonable accommodations to ensure pro se litigants the opportunity to have their matters fairly heard.
Idaho	Rule 2.2	A judge shall uphold and apply the law and shall perform all the duties of judicial office fairly and impartially.	[4] It is not a violation of this Rule for a judge to make reasonable accommodations to ensure self-represented litigants the opportunity to have their matters fairly heard. A judge's ability to make reasonable accommodations for self-represented litigants does not oblige a judge to overlook a self-represented litigant's violation of a clear order, to repeatedly excuse a self-represented litigant's failure to comply with deadlines, or to allow a self-represented litigant to use the process to harass the other side.
Illinois	Canon 3(A)(4) - (Rule 63(A)(4)) ²	A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law. A judge may make reasonable efforts, consistent with the law and court rules, to facilitate the ability of self-represented litigants to be fairly heard.	
Indiana	Rule 2.2	A judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially.	[4] It is not a violation of this Rule for a judge to make reasonable accommodations to ensure pro se litigants the opportunity to have their matters fairly heard.

State	Rule/Canon Number	Text	Comment
Iowa	Rule 51:2.2	A judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially.	[4] It is not a violation of this rule for a judge to make reasonable accommodations to ensure self-represented litigants the opportunity to have their matters fairly heard. By way of illustration, a judge may: (1) provide brief information about the proceeding; (2) provide information about evidentiary and foundational requirements; (3) modify the traditional order of taking evidence; (4) refrain from using legal jargon; (5) explain the basis for a ruling; and (6) make referrals to any resources available to assist the litigant in the preparation of the case.
Kansas	Rules 2.2 and 2.6(A) (Rule 601B)	<p>Rule 2.2: A judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially.</p> <p>Rule 2.6(A): A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law.</p>	<p>Rule 2.2 Comment: [4] It is not a violation of this Rule for a judge to make reasonable accommodations to ensure self-represented litigants the opportunity to have their matters fairly heard. On the other hand, judges should resist unreasonable demands of assistance that might give an unrepresented party an advantage. If an accommodation is afforded a self-represented litigant, the accommodation shall not relieve the self-represented litigant from following the same rules of procedure and evidence that are applicable to a litigant represented by an attorney.</p> <p>Rule 2.6 Comment: [2] Increasingly, judges have before them self-represented litigants whose lack of knowledge about the law and about judicial procedures and requirements may inhibit their ability to be heard effectively. A judge's obligation under Rule 2.2 to remain fair and impartial does not preclude the judge from making reasonable accommodations to ensure a self-represented litigant's right to be heard, so long as those accommodations do not give the self-represented litigant an advantage. If the judge chooses to make a reasonable accommodation, such accommodation shall not relieve the self-represented litigant from following the same rules of procedure and evidence that are applicable to a litigant represented by an attorney.</p>
Kentucky	Canon 3(B)(7)	A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law.	

State	Rule/Canon Number	Text	Comment
Louisiana	Canon 3A(4) ³	A judge shall perform judicial duties without bias or prejudice. A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, and shall not permit staff, court officials or others subject to the judge's direction and control to do so. A judge may make reasonable efforts, consistent with the law and court rules, to facilitate the abilities of all litigants, including self-represented litigants, to be fairly heard, provided, however, that in so doing, a judge should not give self-represented litigants an unfair advantage or create an appearance of partiality to the reasonable person.	Steps judges may consider in facilitating the right of self-represented litigants to be heard, and which (they might find) are consistent with these principles include, but are not limited to: (1) making referrals to any resources available to assist the litigant in preparation of the case; (2) providing brief information about the proceeding and evidentiary and foundational requirements; (3) asking neutral questions to elicit or clarify information; (4) attempting to make legal concepts understandable by minimizing use of legal jargon; and (5) explaining the basis for a ruling.
Maine	Rule 2.6 (A) and (C) ⁴	A. A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law. C. A judge may take affirmative steps, consistent with the law, as the judge deems appropriate to enable an unrepresented litigant to be heard. A judge may explain the requirements of applicable rules and statutes so that a person appearing before the judge understands the process to be employed. A judge may also inform unrepresented individuals of free or reduced cost legal or other assistance that is available in the courthouse or elsewhere.	

State	Rule/Canon Number	Text	Comment
Maryland	Rule 2.2 and 2.6 ⁵	<p>Rule 2.2: A judge shall uphold and apply the law and shall perform all duties of judicial office impartially and fairly.</p> <p>Rule 2.6 (a): A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law.</p>	<p>Rule 2.2 Comment [4]: It is not a violation of this Rule for a judge to make reasonable accommodations to ensure self-represented litigants the opportunity to have their matters fairly heard.</p> <p>Rule 2.6(a) Comment [2]: Increasingly, judges have before them self-represented litigants whose lack of knowledge about the law and about judicial procedures and requirements may inhibit their ability to be heard effectively. A judge's obligation under Rule 2.2 to remain fair and impartial does not preclude the judge from making reasonable accommodations to protect a self-represented litigant's right to be heard, so long as those accommodations do not give the self-represented litigant an unfair advantage. This Rule does not require a judge to make any particular accommodation.</p>

State	Rule/Canon Number	Text	Comment
Massachusetts	Rule 2.2 ⁶	<p>Rule 2.2: A judge shall uphold and apply the law and shall perform all duties of judicial office impartially and fairly.</p> <p>Rule 2.6 (a): A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law.</p>	<p>Rule 2.2 Comment [4]: It is not a violation of this Rule for a judge to make reasonable accommodations to ensure self-represented litigants the opportunity to have their matters fairly heard.</p> <p>Rule 2.6(a) Comment[1A] The judge has an affirmative role in facilitating the ability of every person who has a legal interest in a proceeding to be fairly heard. In the interest of ensuring fairness and access to justice, judges may make reasonable accommodations that help self-represented litigants to understand the proceedings and applicable procedural requirements, secure legal assistance, and be heard according to law.* The judge should be careful that accommodations do not give self-represented litigants an unfair advantage or create an appearance of judicial partiality. In some circumstances, particular accommodations for self-represented litigants are required by decisional or other law.* In other circumstances, potential accommodations are within the judge's discretion. By way of illustration, a judge may: (1) construe pleadings liberally; (2) provide brief information about the proceeding and evidentiary and foundational requirements; (3) ask neutral questions to elicit or clarify information; (4) modify the manner or order of taking evidence or hearing argument; (5) attempt to make legal concepts understandable; (6) explain the basis for a ruling; and (7) make referrals as appropriate to any resources available to assist the litigants. For civil cases involving self-represented litigants, the Judicial Guidelines for Civil Hearings Involving Self-Represented Litigants (April 2006) provides useful guidance to judges seeking to exercise their discretion appropriately so as to ensure the right to be heard.</p>
Michigan	Canon 3	A Judge Should Perform the Duties of Office Impartially and Diligently	
Minnesota	Rule 2.2	A judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially.	[4] It is not a violation of this Rule for a judge to make reasonable accommodations to ensure pro se litigants the opportunity to have their matters fairly heard.

State	Rule/Canon Number	Text	Comment
Mississippi	Canon 3.7	A judge shall accord to all who are legally interested in a proceeding, or their lawyers, the right to be heard according to law.	
Missouri	Rule 2-2.2 ⁷	(A) A judge shall uphold and apply the law, and shall perform all duties of judicial office promptly, efficiently, fairly and impartially. (B) A judge may make reasonable efforts, consistent with the law and court rules, to facilitate all litigants, including self-represented litigants, being fairly heard.	[4] A judge may make reasonable accommodations to afford litigants the opportunity to have their matters fairly heard.

State	Rule/Canon Number	Text	Comment
Montana	Rules 2.2, 2.5(A), 2.6(A) ⁸	<p>Rule 2.2: A judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially.</p> <p>Rule 2.5(A): A judge shall perform judicial and administrative duties competently and diligently.</p> <p>Rule 2.6(A): A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law.</p>	<p>Rule 2.2 Comment [5]: A judge may make reasonable accommodations to ensure self-represented litigants the opportunity to have their matters fairly heard. Steps that are permissible in ensuring a self-represented litigant's right to be heard according to law include but are not limited to: liberally construing pleadings; providing brief information about the proceeding and evidentiary and foundational requirements; modifying the traditional order of taking evidence; attempting to make legal concepts understandable; explaining the basis for a ruling; and making referrals to any resources available to assist the litigant in preparation of the case. Self-represented litigants are still required to comply with the same substantive law and procedural requirements as represented litigants.</p> <p>Rule 2.5 Comment [4]: ...a judge may take appropriate steps to facilitate a self-represented litigant's ability to be heard.</p> <p>Rule 2.6[1]: The right to be heard is an essential component of a fair and impartial system of justice. Substantive rights of litigants can be protected only if procedures protecting the right to be heard are observed. Steps judges may consider in facilitating the right to be heard include, but are not limited to: (1) providing brief information about the proceeding and evidentiary and foundational requirements; (2) asking neutral questions to elicit or clarify information; (3) modifying the traditional order of taking evidence; (4) refraining from using legal jargon; (5) explaining the basis for a ruling; and (6) making referrals to any resources available to assist the litigant in the preparation of the case.</p>
Nebraska	§ 5-302.2	A judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially.	[4] It is not a violation of this Rule for a judge to make reasonable accommodations to ensure pro se litigants the opportunity to have their matters fairly heard. On the other hand, judges should resist unreasonable demands for assistance that might give an unrepresented party an unfair advantage.
Nevada	Rule 2.2	A judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially.	[4] It is not a violation of this Rule for a judge to make reasonable accommodations to ensure self-represented litigants the opportunity to have their matters fairly heard.

State	Rule/Canon Number	Text	Comment
New Hampshire	Rule 2.2 ⁹	(A) A judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially. (B) A judge may make reasonable efforts, consistent with the law and court rules, to facilitate the ability of all litigants, including self-represented litigants, to be fairly heard.	[4] The growth in litigation involving self-represented litigants and the responsibility of courts to promote access to justice warrant reasonable flexibility by judges, consistent with the law and court rules, to ensure that all litigants are fairly heard.
New Jersey	Canon 3.7 ¹⁰	A judge shall accord to every person who is legally interested in a proceeding, or to that person's lawyer, the right to be heard according to law or court rule.	A judge may make reasonable accommodations to ensure pro se litigants the opportunity to have their matters fairly heard.
New Mexico	Rule 21-202	A judge shall uphold and apply the law and shall perform all duties of judicial office fairly and impartially.	[4] When pro-se litigants appear in court, they should comply with the rules and orders of the court and will not be treated differently from litigants with counsel. It is not a violation of this rule, however, for a judge to make reasonable accommodations to ensure all litigants the opportunity to have their matters fairly heard.
New York	Rule 100.3(12) ¹¹	It is not a violation of this Rule for a judge to make reasonable efforts to facilitate the ability of unrepresented litigants to have their matters fairly heard.	
North Carolina	Canon 3(A)(4)	A judge should accord to every person who is legally interested in a proceeding, or the person's lawyer, full right to be heard according to law, and, except as authorized by law, neither knowingly initiate nor knowingly consider ex parte or other communications concerning a pending proceeding.	
North Dakota	Rule 2.2	A judge shall uphold and apply the law, and shall perform all duties of judicial office, including administrative duties, fairly and impartially.	[4] It is not a violation of this Rule for a judge to make reasonable accommodations to ensure self-represented litigants the opportunity to have their matters fairly heard.

State	Rule/Canon Number	Text	Comment
Ohio	Rule 2.2 and 2.6(A)	<p>Rule 2.2: A judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially.</p> <p>Rule 2.6(A): A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law.</p>	<p>Rule 2.2 Comment [4]: To ensure self-represented litigants the opportunity to have their matters fairly heard, a judge may make reasonable accommodations to a self-represented litigant consistent with the law.</p> <p>Rule 2.6(A) Comment [1A]: The rapid growth in litigation involving self-represented litigants and increasing awareness of the significance of the role of the courts in promoting access to justice have led to additional flexibility by judges and other court officials in order to facilitate a self-represented litigant's ability to be heard. By way of illustration, individual judges have found the following affirmative, nonprejudicial steps helpful in this regard: (1) providing brief information about the proceeding and evidentiary and foundational requirements; (2) modifying the traditional order of taking evidence; (3) refraining from using legal jargon; (4) explaining the basis for a ruling; and (5) making referrals to any resources available to assist the litigant in the preparation of the case.</p>
Oklahoma	Rule 2.2	A judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially.	[4] It is not a violation of this Rule for a judge to make reasonable accommodations to ensure pro se litigants the opportunity to have their matters fairly heard.
Oregon	Rule 3.2	Rule 3.2: A judge shall accord to every person who has a legal interest in a proceeding, or to that person's lawyer, the right to be heard according to law.	
Pennsylvania	Rule 2.2	A judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially.	[4] It is not a violation of this Rule for a judge to make reasonable accommodations to ensure pro se litigants the opportunity to have their matters heard fairly and impartially.
Rhode Island	Canon 3(B)(8)	A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law.	
South Carolina	Canon 3(B)(7)	A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law.	

State	Rule/Canon Number	Text	Comment
South Dakota	Canon 3(B)(7)	A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law.	
Tennessee	Rule 2.2	A judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially.	[4] It is not a violation of this Rule for a judge to make reasonable accommodations to ensure self-represented litigants the opportunity to have their matters fairly heard.
Texas	Canon 3(B)(8)	A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law.	
Utah	Rule 2.2	A judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially.	[3] It is not a violation of this Rule for a judge to make reasonable accommodations to ensure pro se litigants the opportunity to have their matters fairly heard.
Vermont	Canon 3(B)(7)	A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law.	
Virginia	Canon 3(B)(7)	A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law.	
Washington	Rule 2.2	A judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially.	[4] It is not a violation of this Rule for a judge to make reasonable accommodations to ensure pro se litigants the opportunity to have their matters fairly heard.
West Virginia	Rule 2.2	A judge shall perform the duties of judicial office impartially and diligently.	[4] It is not a violation of this Rule for a judge to make reasonable accommodations to ensure pro se litigants the opportunity to have their matters fairly heard.

State	Rule/Canon Number	Text	Comment
Wisconsin	Rule 60.04(hm) ¹²	A judge shall uphold and apply the law and shall perform all duties of judicial office fairly and impartially. A judge shall also afford to every person who has a legal interest in a proceeding, or to that person's lawyer, the right to be heard according to the law. A judge may make reasonable efforts, consistent with the law and court rules, to facilitate the ability of all litigants, including self-represented litigants, to be fairly heard.	A judge may exercise discretion consistent with the law and court rules to help ensure that all litigants are fairly heard. A judge's responsibility to promote access to justice, combined with the growth in litigation involving self-represented litigants, may warrant more frequent exercise of such discretion using techniques that enhance the process of reaching a fair determination in the case. Although the appropriate scope of such discretion and how it is exercised will vary with the circumstances of each case, a judge's exercise of such discretion will not generally raise a reasonable question about the judge's impartiality. Reasonable steps that a judge may take in the exercise of such discretion include, but are not limited to, the following: 1. Construe pleadings to facilitate consideration of the issues raised. 2. Provide information or explanation about the proceedings. 3. Explain legal concepts in everyday language. 4. Ask neutral questions to elicit or clarify information. 5. Modify the traditional order of taking evidence. 6. Permit narrative testimony. 7. Allow litigants to adopt their pleadings as their sworn testimony. 8. Refer litigants to any resources available to assist in the preparation of the case or enforcement and compliance with any order. 9. Inform litigants what will be happening next in the case and what is expected of them.
Wyoming	2.2	A judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially.	[4] It is not a violation of this Rule for a judge to make reasonable accommodations to ensure pro se litigants the opportunity to have their matters fairly heard.

¹ effective December 15, 2016

² effective July 1, 2013

³ effective March 18, 2013

⁴ effective September 1, 2015

⁵ effective July 1, 2016

⁶ effective January 1, 2016

⁷ as amended July 2013

⁸ revised March 25, 2014

⁹ effective April 2017

¹⁰ effective September 1, 2016

¹¹ effective March 26, 2015

¹² effective June 1, 2014

updated 7-4-2017



Illinois Supreme Court Policy

On Assistance to Court Patrons by Circuit

Clerks, Court Staff, Law Librarians, and Court

Volunteers

Effective April, 2015

ILLINOIS SUPREME COURT POLICY ON ASSISTANCE TO COURT PATRONS
BY CIRCUIT CLERKS, COURT STAFF, LAW LIBRARIANS, AND COURT
VOLUNTEERS

(a) Purpose and Scope.

The purpose of this policy is to provide guidance to circuit clerks, court staff, law librarians, and court volunteers acting in a non-lawyer capacity as to what services may and may not be offered to assist court patrons to achieve fair and efficient resolution of their cases.

No court patron should be denied services permitted under this policy on the basis of being a self-represented litigant. Services to court patrons should be provided in a nondiscriminatory manner to all applicants without regard to race, color, religious creed, ancestry, national origin, age, sex, disability, sexual orientation or any category prohibited by federal or Illinois law.

(b) Definitions.

- (1) "Court patron" means any individual who seeks information to file, pursue or respond to a case on his or her own behalf or on the behalf of another.
- (2) "Self-represented litigant" means any individual who seeks information to file, pursue or respond to a case on his or her own behalf where a licensed attorney has not filed an appearance on behalf of that individual.
- (3) "Legal information" means general factual information about the law and the legal process. Legal information is different from legal advice, which involves giving guidance regarding an individual's legal rights and obligations in light of his or her particular facts and circumstances. Legal information is neutral.
- (4) "Approved forms" mean standardized forms and related instructions that have been approved pursuant to Supreme Court Rule 10-101; forms included in the Illinois Supreme Court Rules; and local circuit court forms adopted to facilitate local case-processing procedures.

(c) Prohibited Services. Circuit clerks, court staff, law librarians, and court volunteers—acting in a non-lawyer capacity on behalf of the court—shall not:

- (1) Recommend whether a case should be brought to court or comment on the merits of a pending case;
- (2) Give an opinion about what will happen if a case is brought to court;
- (3) Represent litigants in court;
- (4) Provide legal analysis, strategy or advice to a court patron, or perform legal research other than assistance in self-guided legal research for any court patron;

- (5) Disclose information in violation of a court order, statute, rule, case law or court directive;
- (6) Deny a self-represented litigant access to the court or any services provided to other court patrons.
- (7) Tell a litigant anything he or she would not repeat in the presence of any other party involved in the case;
- (8) Refer a litigant to a specific lawyer or law firm for fee-based representation; or
- (9) Otherwise engage in the unauthorized practice of law as prohibited by law.

(d) Permitted Services. To assist court patrons, circuit clerks, court staff, law librarians, and court volunteers—acting in a non-lawyer capacity on behalf of the court—may, as resources and expertise permit:

- (1) Provide legal information about court rules, court terminology and court procedures, but not limited to providing information regarding; requirements for service, filing, scheduling hearings and compliance with local procedure;
- (2) Inform court patrons of legal resources and referrals if available,, including but not limited to:
 - a. Pro bono legal services;
 - b. Low-cost legal services;
 - c. Limited scope legal services;
 - d. Legal aid programs and hotlines;
 - e. Law and public libraries;
 - f. Non-profit alternative dispute resolution services;
 - g. Lawyer referral services;
 - h. Internet-based resources;
 - i. Court-sponsored or -affiliated educational classes, including, but not limited to, parenting education and traffic safety classes and alternative dispute resolution services;
 - j. Units or departments of government; or
 - k. Domestic violence resources.
- (3) Encourage self-represented litigants to obtain legal advice from a lawyer;
- (4) Provide information about security protocols at the courthouse and directions around the courthouse, including, but not limited to, photocopier and telephone locations, children's waiting room locations and other courthouse offices;
- (5) Offer educational classes and informational materials;
- (6) Assist court patrons in identifying approved forms and related instructions based on the court patron's description of what he or she wants to request from the court, including but not limited to, providing approved forms for the waiver of filing fees. When necessary, explain the nature of the information required to fill out the approved forms. Where no approved form exists to accomplish the court patron's request, inform the litigant of that fact and direct him or her to other legal resources;

- (7) Record verbatim information provided by the self-represented litigant on approved forms if that person is unable to complete the forms due to disability or literacy barriers;
- (8) Review finished forms to determine whether forms are complete, including checking for signature, notarization, correct county name and case number;
- (9) Provide assistance to litigants pursuing self-guided research;
- (10) Provide docket information, including but not limited to:
 - a. Stating whether an order has been issued
 - b. Explaining how to get a copy if one was not provided
 - c. Reading the order to the individual if requested
 - d. Providing instructions about how to access such information;
- (11) Inform court patrons of the process for requesting a foreign language or sign language interpreter;
- (12) At the direction of the court, review documents for completeness prior to hearing;
- (13) Provide a court patron with access to a case file that has not been restricted by statute, rule or order, or instructions about how to obtain such access;
- (14) Provide the same services and information to all parties to an action, as requested;
- (15) Provide services based on the assumption that the information provided by the court patron is accurate and complete;
- (16) Provide other services consistent with the intent of this policy.

(e) Unauthorized Practice of Law and Privilege.

Services provided in accordance with section (d) of this policy do not constitute the unauthorized practice of law. Information exchanged in accordance with section (d) of this policy is neither confidential nor privileged, except as otherwise protected by law. Services provided in accordance with section (d) of this policy do not create an attorney-client relationship. It should be communicated through the use of signage or a direct, in-person disclosure to court patrons that information and services provided in accordance with section (d) of this policy are not confidential, privileged or create an attorney-client relationship.

(f) Rules of Professional Conduct. Circuit clerks, court staff, law librarians, and court volunteers—who are licensed attorneys, licensed law student interns and other persons working under the supervision of an attorney—must abide by all applicable Rules of Professional Conduct when providing services and information in accordance with section (d) of this policy.

(g) Copy Fees. Court patrons may be required to pay a reasonable printing or reproduction fee for forms and instructions. However, the fee may be reduced or waived for persons who are otherwise eligible to sue or defend without cost pursuant to the Code of Civil Procedure.