

Rep. Carol Hagan McEntee
Chair - Rhode Island House Judiciary Committee
Rhode Island State House
82 Smith Street
Providence, RI 02903

RE: Judicial Reform for Self-Represented Litigants Legislative Action Needed to Protect Self-Represented Litigants in Rhode Island Courts

Dear **Rep. Carol Hagan McEntee**

I write to you as a constituent and advocate for judicial fairness, urging your support for legislation that affirms and protects the rights of self-represented litigants (SRLs) in Rhode Island courts.

Rhode Island operates under an unconstitutional judicial framework that places SRLs at a systemic disadvantage. Unlike most states, Rhode Island's version of Rule 2.2 of the Code of Judicial Conduct omits Comment (4) from the ABA Model Code, the very provision that clarifies judges may offer reasonable accommodations to ensure SRLs are fairly heard without compromising impartiality.

This omission is not semantic, it is structural. It transforms fairness from a judicial duty into a discretionary option. As a result:

- Judges in Rhode Island are not required to offer even minimal procedural guidance to SRLs.
- Litigants without counsel are held to the same standards as trained attorneys, a condition that is neither codified nor disclosed yet routinely enforced.
- The only way an SRL can receive accommodations is by knowing to ask for them, a paradox that punishes those least equipped to navigate the system.

This creates a two-tiered justice system: one for those with counsel, and one for ordinary citizens forced to meet attorney-level expectations without support. It violates the spirit and letter of constitutional protections, including:

- **Due Process and Equal Protection** under the Fifth and Fourteenth Amendment
- **Access to Courts** as affirmed in *Bounds v. Smith*, *Turner v. Rogers*, and *Mathews v. Eldridge*
- **Judicial Integrity** as required by Rule 2.2's mandate of fairness and impartiality

I respectfully urge you to introduce or support legislation that:

1. **Incorporates Comment (4)** into Rhode Island's Rule 2.2, affirming that accommodations for SRLs are ethically permissible and constitutionally necessary.

2. **Establishes a statutory right to reasonable accommodations** for SRLs, including plain-language explanations, neutral clarifying questions, and liberal construction of filings.
3. **Creates an Access to Justice Commission** to monitor fairness, measure outcomes and recommend improvements for unrepresented litigants.
4. **Require courts to inform SRLs of their rights** and available resources at the outset of proceedings.

These reforms do not tilt the scales, they level them, as they are currently tilted toward represented parties. They do not grant special privileges, they restore basic fairness. And they do not compromise neutrality, they fulfill it.

Justice must not depend on representation status. In a democracy, the courtroom must remain a place where every voice is heard, and every citizen stands equal before the law.

Thank you for your leadership and your commitment to equity. I would welcome the opportunity to discuss this issue further or provide testimony in support of reform.

Sincerely,

[Your Full Name]

[Your Address]

[Your Email]

[Your Phone Number]

Constituent, [Your District]