

Opening Statement in a hearing: “The motion seeks neutral, minimal accommodations that allow a self-represented litigant to meaningfully present their case and ensure a fair hearing.”

When asked if you are the author of the motion, this statement will serve as permission to use the original template:

“I didn’t draft the original template; it’s a publicly available template but I have permission to use it. I reviewed it carefully, adapted it to the facts of my case, and I understand and stand behind every statement and request contained in the motion. “

Place your case heading in this space above the motion caption:

STATE OF RHODE ISLAND

SUPERIOR COURT

C.A. No. _____

[County Name] County

Litigant’s name,

Plaintiff, *pro se*, (as the case may be)

v.

[Litigant’s Name(s)],

Defendant(s), *pro se* (as the case may be)

**MOTION TO ENSURE A FAIR HEARING AND TO AFFIRM
ACCOMMODATIONS FOR A SELF-REPRESENTED LITIGANT UNDER
RULE 2.2**

Now comes the Plaintiff, (or Defendant as the case may be) self-represented, and respectfully moves this Honorable Court to adopt neutral, minimal, and constitutionally consistent procedures to ensure that all matters are fairly heard in accordance with **Rule 2.2 of the Rhode Island Code of Judicial Conduct**, in keeping with the Fifth and **Fourteenth Amendment’s guarantees of Due Process and Equal Protection**, applying **Comment (4)** of Rule 2.2 as recognized in the ABA Model Code. This motion doesn’t seek special privilege or alteration of substantive law, but only the basic procedural fairness that provides “*the right to be heard according to law*” and ensures a meaningful opportunity to present and meet the issues. (*Mathews v. Eldridge*, 424 U.S. 319 (1976)).

Self-representation is a Constitutional Right Commanded by Precedents

The legitimacy of self-represented participation in state courts doesn't depend on statutory grace but on constitutional command. In *Faretta v. California*, 422 U.S. 806, 834 (1975) the US Supreme Court recognized that "the right to self-representation is "basic in our system of law." Once a litigant is compelled to proceed without counsel, courts cannot treat their participation as second-class because they're without counsel. Due process and equal protection of the 5th and 14th Amendments guarantees that self-represented litigants for both civil and criminal matters stand before both state and federal court, as full participants, entitled to fair treatment and reasonable safeguards. The US Supreme Court has long recognized that Self-Represented Litigants (SRLs) are entitled to procedural safeguards ensuring their matters are fairly heard. The following Supreme Court precedents command accommodations for SRLs: These decisions collectively confirm that accommodations for SRLs isn't aspirational, it's a **constitutional duty sanctioned by the Supreme Court of the United States in all courts both state and federal, throughout all jurisdictions.**

Haines v. Kerner, 404 U.S. 519 (1972), commands that pro se pleadings must be liberally construed.

Bounds v. Smith, 430 U.S. 817 (1977), held that access to the courts requires affirmative measures to make access **meaningful**.

Acosta v. Artuz, 221 F.3d 117, 123 (2d Cir. 2000), The Second Circuit recognized "procedural rules should be applied with sensitivity to the special circumstances of pro se litigants to ensure access to courts."

Castro v. United States, 540 U.S. 375 (2003) The Supreme Court decided: “This Court recognized that pro se litigants face unique risks of forfeiting fundamental rights when courts **recharacterize filings** without adequate safeguards.”

“*Turner v. Rogers*, 564 U.S. 431 (2011), reaffirmed- “where counsel is absent, courts must implement alternative safeguards to protect due process.”

Perry v. Sindermann, 408 U.S. 593, 597 (1972). Constitutional guarantees are rendered null by an unlegislated, “**condition**” on the right to access courts by ordinary citizens, denying fairness, establishing a two-tiered justice system.

Mathews v. Eldridge, 424 U.S. 319 (1976)). “the right to be heard according to law” and ensures a meaningful opportunity to present and meet the issues.

Faretta v. California, 422 U.S. 806, 834 (1975) “States may not impose **conditions** that chill the exercise of constitutional rights.”

II. THE RHODE ISLAND LOOPHOLE AND ITS CONSEQUENCES –

Unconstitutional Condition Permitting Disparate Treatment of SRLs

Rule 2.2 of the Judicial Code of Conduct states:

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

Comment [4] clarifies that.

“It isn’t 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.”

This language makes explicit that accommodations for SRLs, doesn’t compromise impartiality. By contrast, Rhode Island elected a narrower version of Rule 2.2. Excluding Comment [4], Rhode Island elected Rule 2.2(B), which states;

a judge “may” make reasonable efforts, consistent with law and court rules, to help all litigants be fairly heard.

This allows **accommodations to be discretionary**, leaving judges with **wide latitude to ignore** them. The omission of Comment [4] signals that **fairness for SRLs is optional**, not a judicial duty. The Rhode Island Judiciary’s website page, **Your Day in Court “Representing Yourself”** states:

“Although you can represent yourself, when you enter the courtroom, you are *tasked* with having the same knowledge of the court process as an attorney.”

This statement is not a “Rule” however; it is a **“condition”** placed on every citizen who appears in court without a lawyer, heavily relied upon by judges. Without grounding in statute, it stands in direct conflict with controlling precedent. A requirement, never plainly disclosed to the public, yet relied upon by judges, including Rhode Island Courts, giving judges permission to **disregard, and deny** record supported arguments presented by Self-represented litigants. A “condition” amounting to a violation of constitutional rights of due process and equal protection, contradicting the foundation of access to justice, tilting the scales toward represented parties and creating a two-tiered justice system. SRL’s are repeatedly denied based upon this unconstitutional loophole.

Unconstitutional Two-Tiered Justice System

A system telling judges they **“may”** provide accommodations, effectively authorizes unequal treatment, depriving SRLs of constitutional protections. **Fundamental rights are not optional.** Excluding Comment [4] and requiring SRLs to meet attorney-level knowledge, access to justice becomes illusory: ordinary citizens held to impossible standards while safeguards of due process and equal protection are withheld. By withholding accommodations, judges aren’t neutral; they tilt the scale toward represented parties. Dismissing SRLs as not meeting attorney standards, justifying outcomes on the circular premise that lawyers “know the law” SRLs don’t, it’s no contest, based on status, not merit. “No accommodations for

SRLs” operates as a **safe-harbor to disregard** SRL record-supported arguments, converting **neutrality into advocacy**. For represented parties. Ordinary citizens must not be forced to navigate a system without protection fairness demands.

III. LEGAL AND ETHICAL BASIS FOR RELIEF

1. **Due Process and Equal Protection**

The Fifth and Fourteenth Amendment guarantees every litigant a meaningful opportunity to be heard and equal treatment under law. When the state authorizes self-representation yet withholds procedural accommodation, it creates an unequal class of participants unable to access the same fairness afforded to those with counsel.

2. **Judicial Integrity and Public Confidence**

Rule 2.2’s first sentence—requiring that judges “*uphold and apply the law fairly and impartially*”—cannot be satisfied if the Court denies procedural fairness to those appearing without counsel. Affirmatively extending reasonable accommodations enhances, rather than diminishes, public confidence in judicial neutrality.

3. **Rhode Island’s Absence of an Access to Justice Commission**

Because Rhode Island lacks the institutional safeguards that many states maintain, the responsibility to guarantee fairness falls squarely upon the trial judge in each case. By affirmatively applying the principle of Comment (4), this Court strengthens due process protections otherwise unavailable to self-represented litigants.

IV. SPECIFIC REQUESTED JUDICIAL ACCOMMODATIONS

Pursuant to the aforementioned US Supreme Court precedents, and subject to the Rules of Evidence, Plaintiff requests that the Court adopt the following neutral procedures to ensure fair hearings:

1. **Plain-Language Explanations** – Provide brief, neutral explanations of foundational procedural requirements (e.g., what a motion must include, what step follows) using plain language when feasible.
2. **Neutral Clarifying Questions** – Ask questions to clarify material facts or legal issues, aiding completeness and accuracy.

3. **Flexible Order of Proof** – Permit reasonable adjustments to the order of presentation to aid clarity and efficiency without prejudice.
4. **Liberal Construction of Pro Se Filings** – Interpret filings to reach the issues intended, while enforcing all rules and deadlines.
5. **Explanation of Rulings** – State on the record the basis of dispositive rulings and summarize each side’s principal arguments to preserve reviewability under Rule 2.6.
6. **Prior Notice Before Sua Sponte Action** – Provide notice and an opportunity to respond before granting *Sua sponte* relief that could dispose of claims or defenses.
7. **Reference to Court Resources** – Refer self-represented parties to available court self-help pages, clinics, and ADA/language assistance resources.
8. **Transparency and Recordkeeping** – Ensure all conferences and rulings occur on the record and are summarized for transparency and appeal.

Each of these accommodations is neutral, recognized by other jurisdictions, and consistent with Rule 2.2 and the constitution’s command of impartiality.

V. CONSTITUTIONAL AND PRACTICAL IMPLICATIONS

Leaving fairness to judicial discretion alone violates constitutional rights. When courts expect self-represented litigants to perform with an attorney’s expertise while denying equivalent procedural tools, justice becomes inaccessible to ordinary citizens. By contrast, confirming these accommodations on the record ensures both substantive fairness as well as fulfilling the need for the appearance of fairness, reinforcing confidence that justice in this courtroom rests on merit and truth, not on representation status.

VI. PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Honorable Court grant this Motion and enter an Order confirming that: As a Self-represented litigant Petitioner is entitled to equal and fair treatment under the law; The Court will extend reasonable accommodations under Rule 2.2 consistent with Comment (4) to ensure Plaintiff is fairly heard; The Court will document its acknowledgment of these principles on the record to preserve transparency and reviewability; and such other and further relief be granted as this Court deems just and proper to secure a fair hearing and uphold the integrity of the judicial process to provide Due Process and Equal Protection under the law.

Respectfully submitted, (signed)

Litigant’s name and signature
Plaintiff, or Defendant (as the case may be) *Pro Se*
[Address]
[City, State ZIP]
[Telephone]
[Email]
Date: _____

CERTIFICATE OF SERVICE (on a separate page)

I hereby certify that on this ____ day of _____, **20**____, I caused a true and accurate copy of the foregoing *Motion to Ensure a Fair Hearing and to Affirm Accommodations Under Rule 2.2* to be served upon the Defendant(s) or their counsel of record at the following address:

[Name of Counsel or Defendant]
[Address]

[PROPOSED] ORDER

**STATE OF RHODE ISLAND
SUPERIOR COURT**

C.A. No. _____

[County Name] County

[Litigant's Name],

Plaintiff/Defendant, *pro se*

v.

[Opposing Party],

Defendant/Plaintiff

ORDER

The Court has reviewed the Motion to Ensure a Fair Hearing and to Affirm Accommodations Under Rule 2.2. In the interest of fairness and consistent with Rule 2.2 of the Rhode Island Code of Judicial Conduct, **IT IS ORDERED:**

1. The self-represented litigant shall receive equal and fair treatment under the law and a meaningful opportunity to be heard.
2. The Court shall extend reasonable, neutral procedural accommodations to ensure the matter is fairly heard, without altering substantive law or evidentiary standards.
3. The Court shall, when appropriate, provide brief procedural explanations, ask neutral clarifying questions, allow reasonable flexibility in the order of proof, construe *pro se* filings liberally, and ensure rulings are stated on the record.
4. All material proceedings and rulings shall be recorded or summarized on the record to preserve transparency and reviewability.

IT IS SO ORDERED.

GRANTED/DENIED

Judge, Rhode Island Superior Court

Date: _____