

A Measure of Truth - Act 1 Scene 1: Judge Everly's Chambers

(A late afternoon in the Judge's chambers. Piles of files are on the desk. The Judge paces, robe off, shoulders tense. The Clerk sits at a side table with a notepad, hesitant, trying to stay invisible yet drawn into the Judge's orbit.)

Judge *(throws a file onto her desk)*

Another one. Another *ordinary* walking in here without a lawyer, quoting amendments like they've earned the right. This is a court of law, not a public forum. Courts are for lawyers. Always has been.

Clerk *(careful, watching her pace)*

With respect, Judge, self-represented litigants... they do have the right to appear.

Judge *(snapping, cutting him off)*

A "right," yes, in theory. But not the skill. They fumble through rules, confuse evidence with argument, waste the court's time. And when I hold them to order, they shout bias.

(She stops pacing, leans on the desk, staring at the file. Then, quieter, almost to herself.)

But this one is different.

Clerk

Yes, I agree.

Judge

The filings are tight using, the correct language motions, citations, objections. I have to question if she's really written the motions and objections herself. And she gives me lip, but it's... well-thought-out lip.

Clerk

That makes them harder to dismiss.

Judge

Exactly. *(pacing again)* If I push too hard, I'll look vindictive. If I don't, they seize control, they could even win once in a while if I let them. But that makes the lawyers furious with me. Either way, the record works against me, but the judicial rule is in my favor. It is up to my discretion and it is unlimited so I can't be appealed for abuse of discretion.

Clerk

Well, I think she is questioning that. Maybe it just shows they're prepared.

Judge

Prepared? (*laughs bitterly*) No, it shows they're bold enough to test the limits. And boldness spreads. If they win, or even survive, others will follow. Do you see? We lose the walls. Courts overrun by **ordinaries** who think Google is a law degree.

Clerk (*quiet, uneasy*)

Maybe it shows the walls are too high. I think it's too late to stop it.

(The Judge stops dead, stares at him. Silence. The Clerk shifts nervously, realizing he's maybe said too much.)

Judge (*icy, controlled*)

What about that motion she filed. I've never seen anything like it. What is your analysis of it?

CLERK - The Clerk gives a synopsis of the motions:

You mean the **Motion to Ensure a Fair hearing**? Well, it could be the first of its kind, but if the cat gets out of the bag it could be a motion every Self-represented litigant files before appearing in court.

Judge (*Beat. She exhales, softens slightly, almost weary.*)

I haven't read it. Tell me about it please.

CLERK

The motion speaks to the Judiciary's website: On the page titled **SELF HELP - YOUR DAY IN COURT** under the paragraph heading **REPRESENTING YOURSELF** it states:

You may represent yourself in a lawsuit. In criminal matters, you have a constitutional right to represent yourself. In civil matters, there is no such right but you may choose to do so.**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.** Although Rhode Island's Judicial Code Rule 2.2(b) recognizes that "judges may make reasonable efforts to ensure pro se litigants are fairly heard, " by excluding Comment 4 judges are allowed to use their discretion. This makes it optional which it really isn't. By the 5th and 14th amendment guaranteeing due process and equal protection, It's a constitutional right, claiming the condition requiring non-attorneys to have the same knowledge of the court process as an attorney an "unconstitutional condition."

Essentially it's saying - Even though Rule 2.2 of the judicial code of conduct says that judges *may* provide accommodations to self-represented litigants, the Constitution says otherwise. Leaving fairness up to a judge's discretion is unconstitutional. U.S. Supreme Court precedent makes clear that people without lawyers must be given real safeguards to ensure their cases are fairly heard, with six different US Supreme Court cases cited, including *Haines v. Kerner*, *Bounds v. Smith*, and *Turner v. Rogers*, all confirm the same principle: helping self-represented people isn't just good practice, it's a constitutional duty rooted in due process and equal protection. Expecting them to have the same knowledge as an attorney is contrary to this principle. Specifically asking for the accommodations:

Reasonable steps that a judge may take,

(a) Construe pleadings to facilitate consideration of the issues raised.

(b) Provide information or explanation about the proceedings.

(c) Explain legal concepts in everyday language.

(d) Ask neutral questions to elicit or clarify information.

(e) Modify the traditional order of taking evidence.

(f) Permit narrative testimony.

(g) Refer litigants to any resources available to assist in the preparation of the case or enforcement and compliance with any order.

(h) Inform litigants what will be happening next in the case and what is expected of them.

WHEREFORE, Petitioner respectfully requests that this Court grant this Motion and enter an order confirming that self-represented litigants are entitled to fair and equal treatment under the law. Specifically, Petitioner asks that the Court recognize that due process and equal protection require reasonable accommodations to ensure that matters presented by self-represented litigants are heard on their merits, not dismissed or disregarded because of the absence of counsel. By granting this motion, the Court affirms its constitutional obligation to safeguard the rights of all parties, and ensures that justice in this courtroom rests on fairness, not professional status.

Judge

Well that certainly opens a can of worms!

Clerk

Yeah. If you grant it then you have to provide accommodations and safeguards. If you deny, then you can be deemed to be unfair and biased, by refusing to provide accommodations for Self-represented. Do you worry about being accused of being unfair?

Judge (*beat — then shakes her head*)

Exposed. It's one thing to have everyone leave a hearing thinking I was unfair and partial to the lawyers, which I always am and it's another thing to have it in writing that I must be fair or I am violating the constitution which I took an oath to uphold.

(She picks up the file again, staring at it as if it were a mirror.)

And all because one of the **ordinaries** insists on having her rights!

(Lights dim slightly, isolating her in a pool of light as she holds the file. The Clerk watches, caught between loyalty and unease. Blackout.)

Notes for Staging

- **Lighting:** Shift from courtroom brightness to warmer, shadowed tones. A pool of light isolates the Judge at the end, emphasizing her isolation and concern.
- **Tone:** The Judge oscillates between sharp arrogance and quiet vulnerability. The Clerk serves as a conscience, but cautiously.
- **Function:** This scene makes the Judge human but deeply flawed — fearful of losing control, bound by “old school” attitudes, and worried about how history will judge her. Effectively a dinosaur.