

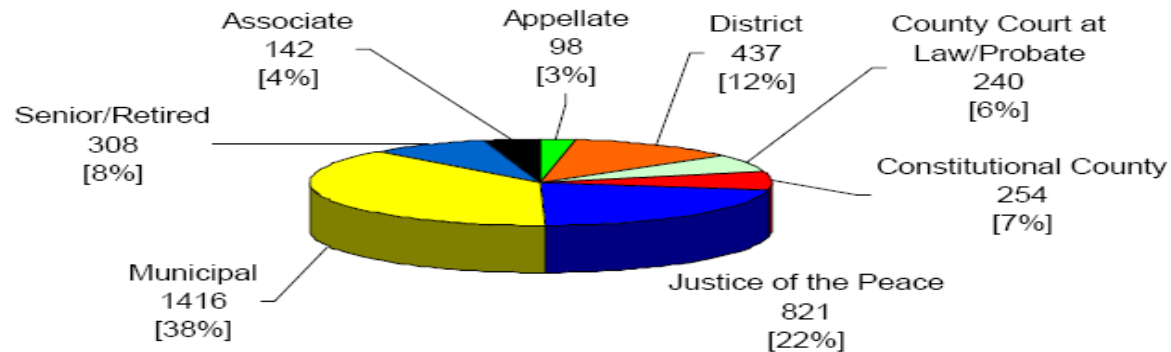
Ethics & Pro Se Litigants

Justice, Propriety, &
Balancing Stress

It's All In A Day's Work!

Review: Cases by Judge Type

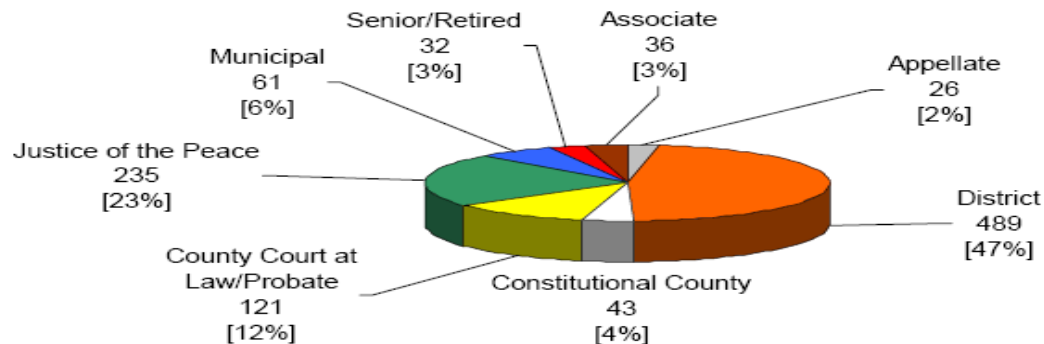
Fig. 1 Total Number of Texas Judges*



*3,716 Total Judges

Source: Office of Court Administration (September 2007)

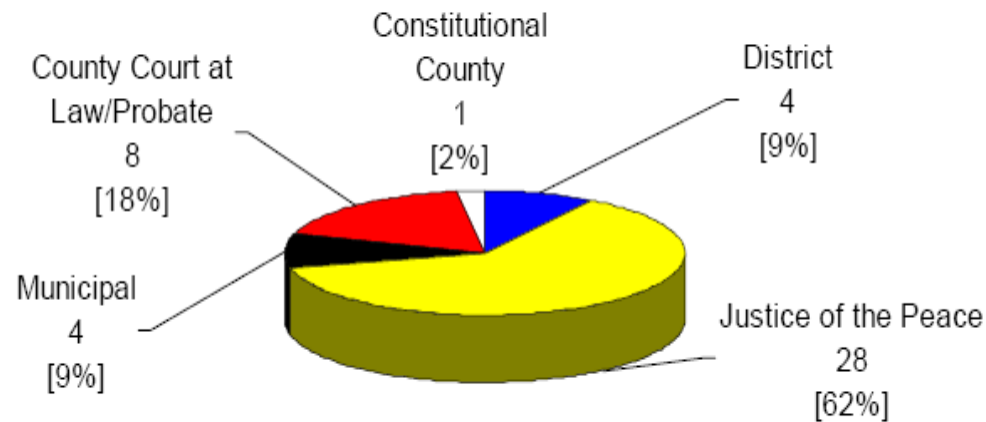
Fig. 2 Number and Percentage of Cases filed by Judge Type



*1,043 Total Complaints Filed

Discipline by Judge Type

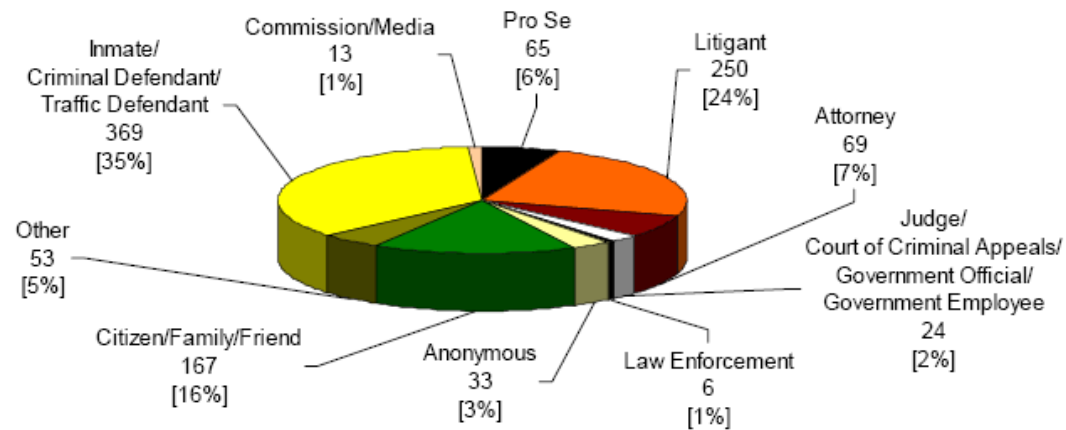
Fig. 3 Number and Percentage of Disciplinary Actions by Judge Type*



*45 Total Disciplinary Actions

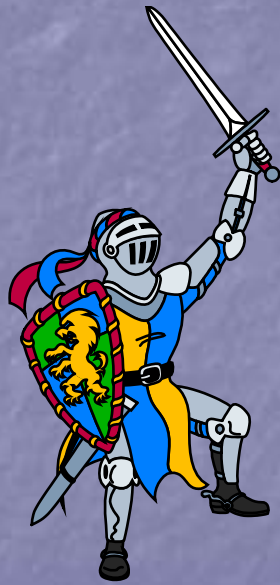
Who is Complaining?

Fig. 4 Number of Cases Disposed by Complainant Type



*1049 Total Cases Disposed

Unique Problems : The Pro Se Litigant



Pro Se Litigants All Shapes and Sizes

- Extremist Groups
- “Mr. I Know Somebody”
- “Hardtimers”
- The “Help Me”s
- Others . . .

What is the Challenge?

To Provide Balance :

- Fairness
- Impartiality

In short, the role of the Judge as the
Administrator of Justice and as Referee

Outcomes of any Shortcomings

- Upset Customers/Citizens
- Frustration with Ourselves
- Complaints to Authorities
- Newspaper Headlines
- Complaints to State Commission on Judicial Conduct

Independent Authority

- Art. V. Tex. Const.

State Commission on Judicial Conduct

investigate & discipline all judges

Judicial Misconduct

Willful or persistent:

- Violations of Supreme Court Rules
- Incompetence in performance of duties
- Willful violation of Code of Judicial Conduct
- Or . . .

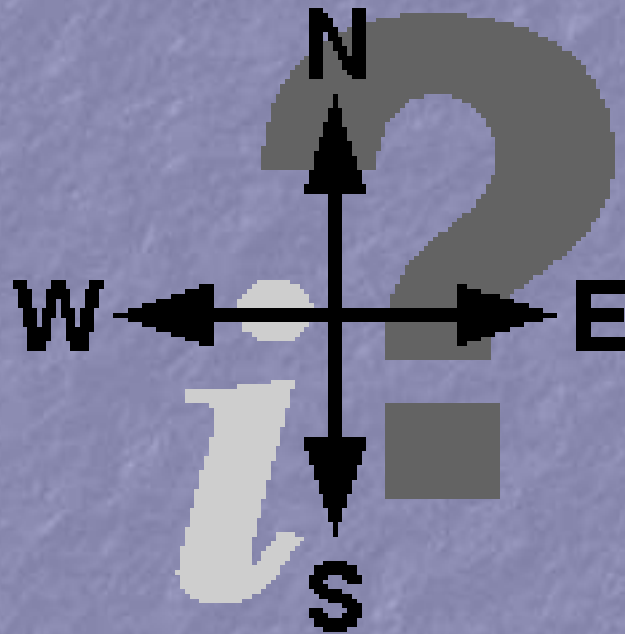
Judicial Misconduct (cont.)

Willful conduct or persistent conduct that is clearly inconsistent with the proper performance of his duties or

casts public discredit upon the judiciary or

administration of justice

Guides?



Guides

- Code of Criminal Procedure Art. 45.01
- Canons
- Disciplinary Opinions and Records

Code of Criminal Procedure

- Art. 45.01

(1) to provide fair notice to a person appearing in a criminal proceeding before a justice or municipal court and a meaningful opportunity for that person to be heard;

Code of Criminal Procedure

(2) to ensure appropriate dignity in court procedure without undue formalism;

Code of Criminal Procedure

- (3) to promote adherence to rules with sufficient flexibility to serve the ends of justice ; and
- (4) to process cases without unnecessary expense or delay.

Scenario 1

- TO ACT OR NOT TO ACT ?

Significant Canons



CANON 1

- ...independent and honorable judiciary is
indispensable to justice...

CANON 1 Cont.

- ...integrity and independence of the judiciary is preserved

CANON 3 B:

- (2) ...not be swayed by partisan

interests, public clamor, or
fear of criticism.

Scenario 2



CANON 3 B:

- (3) A judge *shall require order and *decorum** in proceedings before the judge.

Scenario 3

Show Stoppers



CANON 3 B:

- (4) A judge shall be patient, dignified,
and courteous ...

Canon 3B

- (5) A judge shall perform judicial duties without bias or prejudice.

CANON 3 B:

- (6) A judge shall not...manifest bias or prejudice,...based upon race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status....

Scenario 4



Standard Applies to All

- Canons require that the judge hold attorneys & staff to this same standard.



CANON 6 : prohibits

- Prohibits a judge from initiating,

permitting, or considering

Ex Parte communications

CANON 6: allows

(a) - (e) uncontested matters, etc.

(f) Mitigating circumstances following a plea of nolo contendere or guilty for a fine-only offense, or

(g) as allowed by law

Guides

- Canons
- Opinions
- TCCP

Remember... Guides show you the way
but...

Guides

- Canon 8 “The Code is to be construed so as not to impinge on the essential independence of judges in making judicial decisions.”
- Design: to provide guidance & structure
- not to provide liability
- not to be used for tactical advantage

It is Your Courtroom

- You decide
- You referee
- You balance
- And though you could be held accountable,
- ...You have the tools for success!

