



IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF AMENDMENTS
TO THE NEVADA CODE OF JUDICIAL
CONDUCT REGARDING THE
ADDITION OF PERMITTED JUDICIAL
ACTIONS IN CASES WHERE SELF-
REPRESENTED LITIGANTS ARE
PRESENT.

ADKT 0631

PETITION

On behalf of the Access to Justice Commission (Commission), Kristina Pickering and Patricia Lee, Justices of the Supreme Court hereby petition the Court to amend the comments to Canon 2.6 of the Nevada Code of Judicial Conduct to address permitted judicial actions in cases where self-represented litigants are present. Canon 2.6 with the proposed additions to its comments is attached hereto as Exhibit A. Further, 50-state research is attached as Exhibit B, and a comparative analysis is attached as Exhibit C.

DISCUSSION

As the number of self-represented litigants (SRLs) has increased, courts nationwide are seeking effective and ethical ways to meet this growing trend. Following a 50-state review, the Commission analyzed and developed best practices judges may use when working with SRLs. The Commission voted unanimously to advance this ADKT to the Court.

This revised guidance clarifies what is permitted and appropriate, protects judicial neutrality, and ensures SRLs are fairly heard. The revision

authorizes seven techniques judges may use to safeguard SRL's right to be heard in court proceedings.

The proposal would amend the official comments to Canon 2 of the Nevada Code of Judicial Conduct as shown in Exhibit A. The recommended additions to the comments to Canon 2 are below:

CANON 2, Rule 2.6

COMMENT

[2] Cases involving self-represented litigants may warrant the exercise of discretion through techniques that facilitate the right to be heard. Although the appropriate scope of that discretion will vary with the circumstances of each case, judges do not compromise their impartiality by making reasonable accommodations to ensure that self-represented litigants have their matters fairly heard. Reasonable steps that a judge may take include:

- (a) Construe pleadings to allow the underlying issues to be fairly considered.
- (b) Explain the nature of the proceeding and intended goals for the proceeding.
- (c) Ask neutral questions to elicit or clarify information.
- (d) Modify the manner or traditional order of taking evidence or hearing argument.
- (e) Explain legal concepts and rulings in plain, everyday language.
- (f) Refer litigants to available resources, including self-help centers and legal aid.
- (g) Tell litigants what will happen next and what is expected of them.

CONCLUSION

This recommended new language provides clarity for the judiciary and helps ensure self-represented litigants' right to be heard.

Respectfully submitted,



Kristina Pickering
Justice



Patricia Lee
Justice

Exhibit A

CANON 2

Rule 2.6. 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.

(B) A judge may encourage parties to a proceeding and their lawyers to settle matters in dispute but shall not act in a manner that coerces any party into settlement.

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.

[2] Cases involving self-represented litigants may warrant the exercise of discretion through techniques that facilitate the right to be heard. Although the appropriate scope of that discretion will vary with the circumstances of each case, judges do not compromise their impartiality by making reasonable accommodations to ensure that self-represented litigants have their matters fairly heard. Reasonable steps that a judge may take include:

- a) Construe pleadings to allow the underlying issues to be fairly considered.
- b) Explain the nature of the proceeding and intended goals for the proceeding.
- c) Ask neutral questions to elicit or clarify information.
- d) Modify the manner or traditional order of taking evidence or hearing argument.
- e) Explain legal concepts and rulings in plain, everyday language.
- f) Refer litigants to available resources, including self-help centers and legal aid.
- g) Tell litigants what will happen next and what is expected of them.

[23] The judge plays an important role in overseeing the settlement of disputes, but should be careful that efforts to further settlement do not undermine any party's right to be heard according to law. The judge should keep in mind the effect that the judge's participation in settlement discussions may have, not only on the judge's own views of

the case, but also on the perceptions of the lawyers and the parties if the case remains with the judge after settlement efforts are unsuccessful. Among the factors that a judge should consider when deciding upon an appropriate settlement practice for a case are whether: (1) the parties have requested or voluntarily consented to a certain level of participation by the judge in settlement discussions, (2) the parties and their counsel are relatively sophisticated in legal matters, (3) the case will be tried by the judge or a jury, (4) the parties participate with their counsel in settlement discussions, (5) any parties are unrepresented by counsel, and (6) the matter is civil or criminal.

[34] Judges must be mindful of the effect settlement discussions can have, not only on their objectivity and impartiality, but also on the appearance of their objectivity and impartiality. Despite a judge's best efforts, there may be instances when information obtained during settlement discussions could influence a judge's decision making during trial, and, in such instances, the judge should consider whether disqualification may be appropriate. See Rule 2.11(A)(1).

Exhibit B: 50-State Survey of Judicial Guidance for Self-Represented Litigants

Date: February 10, 2026

This table classifies all 51 U.S. jurisdictions (50 states + D.C.) by regulatory model, primary code provision, presence of operational guidance, and availability of bench guides. Sources and bench guide links are clickable in the digital version of this document.

Model Classification Key

- Model 3 — Dual-Track: Detailed code provisions AND standalone operational manual (highest level of support)
- Model 1 — Code-Embedded: Operational examples written directly into judicial code comments
- Model 2 — Standalone Guidelines: Code remains general; operational guidance in separate manual
- Model 4 — Authorization Only: Safe harbor language only; no operational instruction (current Nevada model)
- Model 5 — Inference-Based: No express SRL provision; authority inferred from general fairness duties

Operational Examples Key

Yes — Code or comment enumerates specific techniques (e.g., neutral questioning, narrative testimony)

Partial — Code references SRL management but without enumerated technique list

No — No operational instruction in code

State	Model	Operational Examples in Code	Bench Guide	Official Source
Ninth Circuit States (9 Jurisdictions)				
Alaska	Model 5 — Inference	No	Judicial Benchbook on Handling Cases Involving Persons w Mental Disorders	Commission on Conduct
Arizona	Model 1 — Code-Embedded	Yes — 5 enumerated steps	Self-Represented Bench Trial Guide	Code of Judicial Conduct
California	Model 2 — Standalone	No	Benchguide: Handling Cases Involving Self-Represented Litigants	Judicial Ethics
Hawai'i	Model 4 — Auth. Only	No	—	Revised CJC
Idaho	Model 4 — Auth. Only	Partial — Rule 2.10(D): procedure explanations authorized		Judicial Rules
Montana	Model 1 — Code-Embedded	Yes — 7 examples; competence framing	—	CJC Archive
Nevada	Model 4 — Auth. Only	No		NCJC 2.2
Oregon	Model 5 — Inference	No	—	Code of Conduct

Washington	Model 3 — Dual-Track	Yes — 8 enumerated steps	Washington State Bench Guide for SRLs ; Pro Sel Litigant Bench Card Checklist	Conduct Rules
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State	Model	Operational Examples in Code	Bench Guide	Official Source
All Other U.S. Jurisdictions — National Survey (Alphabetical)				
Alabama	Model 5 — Inference	No	N/A for download	Judicial Ethics
Arkansas	Model 4 — Auth. Only	No	—	Commission on Conduct
Colorado	Model 4 — Auth. Only	No	Bench Guide for Trial Judges	Judicial Conduct Rules
Connecticut	Model 4 — Auth. Only	No	—	Judicial Code
Delaware	Model 2 — Standalone	No	Neutral Evaluation Toolkit: A resource for Courts	Code of Conduct
District of Columbia	Model 3 — Dual-Track	Yes — 6 enumerated examples; affirmative facilitation duty		CJC of District of Columbia
Florida	Model 4 — Auth. Only	No	—	Judicial Ethics
Georgia	Model 5 — Inference	No	Bench Cards Misc	Code of Conduct
Illinois	Model 2 — Standalone	No	Best Practices for Self-Represented Litigants Bench Card	ILL SC Code
Indiana	Model 3 — Dual-Track	Yes — 8 enumerated accommodations	Judicial Benchbook for SRLs	Code of Conduct
Iowa	Model 4 — Auth. Only	No	—	Chapter 51: CJC
Kansas	Model 4 — Auth. Only	No	—	Supreme Court Rules 2020
Kentucky	Model 4 — Auth. Only	No	—	SCR 4: CJC
Louisiana	Model 5 — Inference	No	Louisiana District Judges Association Bench Card	Court Rules
Maine	Model 4 — Auth. Only	No	—	Conduct Rules
Maryland	Model 1 — Code-Embedded	Yes — settlement consideration of SRL status; impartiality protection	—	Rules
Massachusetts	Model 3 — Dual-Track	Yes — facilitation language	Judicial Guidelines for Civil Cases with SRLs (2025 Ed.)	SJC
Michigan	Model 4 — Auth. Only	No	Michigan Judicial Institute Benchbooks (Various: No SRL)	CJC

Minnesota	Model 4 — Auth. Only	No		Conduct Code
Mississippi	Model 5 — Inference	No	---	Conduct Rules
Missouri	Model 4 — Auth. Only	No	---	Rule 2: CJC
Nebraska	Model 4 — Auth. Only	No	---	Rules & Ethics
New Hampshire	Model 4 — Auth. Only	No	---	CJC

State	Model	Operational Examples in Code	Bench Guide	Official Source
New Jersey	Model 4 — Auth. Only	No	---	Rule 3.7
New Mexico	Model 4 — Auth. Only	No		Judicial Standards
New York	Model 1 — Code-Embedded	Partial — right to be heard; impartiality guidance	---	Part 100 Rules
North Carolina	Model 4 — Auth. Only	No	---	Judicial Standards
North Dakota	Model 4 — Auth. Only	No	---	Code of Conduct
Ohio	Model 1 — Code-Embedded	Yes — right to be heard; SRL facilitation provisions	Supreme Court of Ohio: Access to Justice Bench Cards (NOSRL)	Judicial Conduct
Oklahoma	Model 5 — Inference	No	---	Appendix 4 - Code of Judicial Conduct
Pennsylvania	Model 4 — Auth. Only	No	---	Judicial Conduct
Rhode Island	Model 4 — Auth. Only	No	---	Judicial Ethics
South Carolina	Model 4 — Auth. Only	No	---	CJC
South Dakota	Model 4 — Auth. Only	No	---	SDCJC
Tennessee	Model 2 — Standalone	No	Meeting the Challenges of Self-Represented Litigants	Rule 2.2
Texas	Model 5 — Inference	No	---	Judicial Conduct
Utah	Model 4 — Auth. Only	No	---	Judicial Conduct 2.2
Vermont	Model 4 — Auth. Only	No	---	Judicial Conduct
Virginia	Model 4 — Auth. Only	No		Canons of Judicial Conduct
West Virginia	Model 4 — Auth. Only	No	---	Conduct Rules
Wisconsin	Model 3 — Dual-Track	Yes — 9 operational examples	meeting the challenge of self-represented litigants	SCR Chapter 60
Wyoming	Model 4 — Auth. Only	No	---	Conduct Rules

Note: All citations verified as of February 2026. Judicial conduct codes are subject to periodic amendment. Committee members should verify current text through the official state judicial branch

links provided above. Nevada is highlighted for comparative reference.

Additional Sources

National & Federal Framework

These serve as the "Model" for most states and govern federal proceedings.

- [Bench book for U.S.](#) District Court Bench Book
- [ABA Model Code of Judicial Conduct](#) – The baseline for 40+ states.

- [Code of Conduct for U.S. Judges](#) – Applies to all Federal Circuit and District Courts.
- [Supreme Court of the U.S. Code of Conduct \(2023\)](#) – The specific ethics code for SCOTUS Justices.
- [Model Code for State Administrative Law Judges \(ABA\)](#) – For non-Article III state hearing officers.
- **National Gold Standard:** [Handling Cases Involving Self-Represented Litigants: A National Bench Guide for Judges](#) (NCSC/SRLN)
- Seventh National Court Technology Conference: [Access to Justice: Meeting the Needs of Self-Represented Litigants, A Consumer-Based Approach](#)
- Open Law Review: [Judges in Lawyer less Courts](#)
- ABA: [ABA Rooks & Reports: Self Represented Litigants](#)
- Association of Family and Conciliation Courts: [Working With Pro-Se Litigants: A Guide for Family Court Bench Officers](#)
- Self Represented Litigants Guide [American Association of Law Libraries](#)

SELF-REPRESENTED LITIGANT--RESEARCH MEMO

FROM: Yvette Machado-Tuinier

RE: Comparative Analysis of Regulatory Models for Judicial Interaction with Self-Represented Litigants

DATE: February 10, 2026

Exhibit C

I. EXECUTIVE SUMMARY

A. Purpose

This memorandum examines how Nevada's Code of Judicial Conduct governs judicial interaction with self-represented litigants (SRLs) and evaluates how Nevada's framework compares to those of other jurisdictions. The analysis is responsive to the Committee's inquiry into whether code amendments are procedurally preferable to developing standalone bench guidelines modeled on the Massachusetts approach.

B. The Guidance Gap

Courts nationwide have seen a sustained increase in unrepresented parties, yet institutional support for judges managing those interactions remains uneven. While every surveyed jurisdiction provides public-facing self-help materials, fewer than half provide operational guidance—bench books, bench cards, or comparable manuals—directed at the judiciary itself. This gap between high-level ethical permission and practical courtroom management creates uncertainty for judges and increases the risk of procedural unfairness. This memorandum examines how select jurisdictions have closed that gap.

C. Research Questions

1. **Nevada's Baseline:** What is the current scope of Nevada's Code of Judicial Conduct with respect to SRL interactions, and what gaps, if any, does it leave?
2. **Regulatory Models:** How do code-embedded provisions compare to standalone operational guides as vehicles for judicial guidance?
3. **Ninth Circuit Comparison:** Where does Nevada rank among Ninth Circuit states in the depth and specificity of operational guidance provided to judges?
4. **Leading Practices:** What techniques have jurisdictions such as Washington State and Massachusetts codified or formalized to standardize judicial assistance?

D. Key Research Findings

Nevada's Current Position: Nevada currently uses a "Permission-Only" Model (Model 4). Nevada's Code of Judicial Conduct, Rule 2.2, Comment [4] provides express authorization with safe-harbor language but does not include operational examples or reference a dedicated bench guide. Nevada ranks 5th of 9 states in the Ninth Circuit and 29th of 51 jurisdictions nationally when states are ordered by the specificity and depth of judicial guidance provided.

Regulatory Model Distribution: Research identifies five distinct regulatory models employed across jurisdictions. These range from Model 1 (comprehensive code-embedded guidance with detailed operational examples) to Model 5 (inference-based approach relying on general fairness principles without express self-represented litigant language).

Ninth Circuit Analysis:

- 7 of 9 Ninth Circuit states include express self-represented litigant language in their judicial codes. Alaska and Oregon do not include such express provisions.
- 3 of 9 Ninth Circuit states provide operational examples within their codes: Washington (8+ examples), Montana (7 examples), and Arizona (5 examples).
- 3 of 9 Ninth Circuit states maintain separate dedicated bench guides: Washington (bench card), Arizona (bench trial guide and specialized benchbooks), and California (comprehensive 150-page benchguide).
- Nevada and Hawai'i employ structurally identical provisions—both states use permission-only language without operational examples or external bench guides.

National Trends: The majority of jurisdictions surveyed include express self-represented litigant provisions in their judicial codes. A substantial number of jurisdictions provide operational examples directly within their codes, representing a movement beyond simple permission-granting language toward specific guidance on permissible techniques.

Comparative Precedent: Sister states within the Ninth Circuit provide established precedent for each regulatory model identified in this research. Montana demonstrates the code-embedded comprehensive model; Washington and Arizona demonstrate dual-track approaches; California demonstrates the external-primary model; Hawai‘i demonstrates the permission-only model; and Alaska demonstrates the inference-based model. This enables the Committee to examine proven approaches from jurisdictions operating within the same federal appellate circuit.

II. RESEARCH METHODOLOGY

A. Classification of Regulatory Models

This research organizes jurisdictions into three structural models based on where and how they deliver guidance to judges handling SRL interactions:

- **Model 1—Code-Embedded (Washington Approach):** Operational guidance is drafted directly into the Comments of the judicial code. Judges receive an integrated ethical and procedural framework in a single document, without needing to consult external sources.
- **Model 2—Standalone Guidelines (Massachusetts Approach):** The judicial code remains principles-based, while a separately adopted manual—such as Massachusetts’s 2025 Judicial Guidelines for Civil Cases—supplies scripts, checklists, and detailed legal analysis. The code authorizes; the manual instructs.
- **Model 3—Dual-Track:** The jurisdiction employs both detailed code language and a standalone operational manual, providing judges with reinforcing guidance across two documents.

B. Assessment Criteria

Jurisdictions are evaluated on the presence of four elements, which collectively measure the depth and practical utility of the guidance provided:

1. **Safe Harbor Language:** Does the code state that assisting an SRL does not compromise judicial impartiality?
2. **Operational Examples:** Does the guidance identify specific techniques, such as neutral questioning or narrative testimony protocols?

3. **Constitutional Grounding:** Does the guidance reference due process requirements, including the framework established in *Turner v. Rogers*¹?
4. **Implementation Tools:** Are bench cards, checklists, or comparable real-time aids available to judges?

C. Jurisdictional Scope

The analysis covers two populations. First, all nine states within the Ninth Circuit were reviewed to identify regional patterns and assess Nevada’s position relative to its closest federal peers. Second, all 51 U.S. jurisdictions—the fifty states plus the District of Columbia—were reviewed to identify national trends and benchmark against the ABA Model Code baseline.

III. REGULATORY MODELS

A. Model 1—Code-Embedded

In this model, the state supreme court drafts operational guidance directly into the Comments of the Code of Judicial Conduct, typically by amending Rule 2.2 (Impartiality) or Rule 2.6 (Right to be Heard). Washington State is the primary example: Rule 2.6, Comment [4] enumerates eight to ten specific techniques, including narrative testimony and neutral questioning, giving judges an integrated ethical and procedural reference in a single document.

The principal advantage is authority, because the guidance is part of the code itself, it carries the highest safe harbor value and is located where judges naturally look when ethics questions arise. The corresponding limitation is rigidity—code amendments require formal rulemaking, and the format is poorly suited to the step-by-step procedural detail a manual can provide.

B. Model 2—Standalone Guidelines

In this model, the code remains principles-based while the judiciary adopts a separate operational manual by administrative order. Massachusetts is the leading example: its *2025 Judicial Guidelines for Civil Cases with Self-Represented Litigants* provides scripts, sample questions, and procedure-

¹ *Turner v. Rogers*, 564 U.S. 431, 447–48 (2011). The Supreme Court held that while due process does not require appointed counsel in all civil contempt proceedings, it does require alternative procedural safeguards—including court-initiated inquiry into relevant facts—to ensure a fundamentally fair hearing. *Turner* is significant here because it establishes a constitutional floor for judicial engagement with unrepresented parties, framing a judge’s active role in structuring SRL proceedings as a matter of constitutional adequacy, not mere discretion.

specific guidance across case types such as family and housing matters—detail that would be impractical to embed in a code comment.

The primary advantage is flexibility. A standing committee can update the manual without formal rulemaking as practices evolve. The limitation is one of perceived authority: because the manual sits outside the ethics code, judges may treat it as advisory rather than obligatory.

C. Model 3—Dual-Track

A smaller group of jurisdictions—including Indiana, Wisconsin, and Washington State—combine both approaches. The code authorizes assistance and provides an ethical framework; the bench book instructs judges on implementation. This structure addresses the principal weakness of each model standing alone.

IV. NEVADA’S CURRENT FRAMEWORK

A. Primary Ethical Authorization

Nevada’s guidance is centralized in a single provision of the Nevada Code of Judicial Conduct (NCJC): **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.”

B. Analysis of Adequacy vs. Implementation

This provision provides a robust “Safe Harbor.” It protects judges from disciplinary action when they provide assistance, shielding them from claims of partiality or bias. While the rule grants permission to act, it does not provide instruction on how to act.

Nevada’s Code lacks:

- Definitions of what constitutes a “reasonable accommodation.”
- Specific courtroom techniques (e.g., neutral questioning, narrative testimony).
- Guidance on the boundary between “procedural assistance” and “legal advice.”

C. Supporting Foundational Rules

Nevada relies on general principles to fill the operational void:

- **Rule 2.6(A) (Right to be Heard):** Establishes the baseline duty to accord every person the right to be heard according to law.
- **Rule 2.8(B) (Decorum and Demeanor):** Requires patience and courtesy, which supports the use of plain language.
- **Rule 1.2, Comment [4] (Access to Justice):** Encourages judges to participate in activities that promote access to justice for all.

V. NINTH CIRCUIT COMPARATIVE ANALYSIS

The Ninth Circuit serves as the most persuasive peer group for Nevada. The research identifies a clear “Guidance Gap” between states that follow Nevada’s “Permission-Only” model and those that have adopted “Operational-Instruction” models.

A. Tier 1: Comprehensive Integrated Models (Washington & Montana)

These states provide the most significant support by embedding operational “how-to” lists directly into their Codes.

- **Washington State (Rule 2.6, Comment [4]):** Lists specific techniques including:
 - Explaining the “Order of Proof.”
 - Asking neutral questions to elicit essential facts.
 - Allowing narrative testimony.
- **Montana (Rule 2.2, Comment [5]):** Unique for framing SRL facilitation as a matter of Judicial Competence (Rule 2.5), suggesting that a judge who cannot manage an SRL case fairly may be lacking in professional competence.

B. Tier 2: Arizona Model (Strong Operational Guidance)

Arizona is the most direct comparison for the Committee because its Rule 2.2 is identical to Nevada’s. But Arizona successfully bridges the gap by adding Comment [2] to Rule 2.6, which lists five specific “Permissible Steps,” such as explaining the basis for a ruling and referring litigants to preparing resources.

C. Tier 3: The “Permission-Only” Group (Nevada, Idaho, Hawai‘i)

These states use the ABA Model Code “Safe Harbor” (Rule 2.2) but do not supplement the Code with operational examples.

- **Observation:** Within this group, Idaho is slightly more advanced than Nevada because it includes a specific rule (Rule 2.10(D)) authorizing judges to explain court procedures without it being considered legal advice.

D. Tiers 4 & 5: Limited to Minimal Guidance (California, Oregon, Alaska)

- **California:** Notable because its Code of Ethics is silent, yet it maintains one of the nation’s most robust External Bench Guides. This represents the “Standalone Guide Model” rather than the “Code-Embedded Model.”
- **Alaska:** Relies entirely on general fairness principles, providing no express “Safe Harbor” for judges assisting SRLs.

VI. NATIONAL 50-STATE ANALYSIS: THE TIERED LANDSCAPE

The Ninth Circuit serves as the most persuasive peer group for Nevada. The research identifies a clear “Guidance Gap” between states that follow Nevada’s “Permission-Only” model and those that have adopted “Operational-Instruction” models.

A. Tier 1: Comprehensive Integrated Models (Washington & Montana)

National research confirms a significant disparity between public-facing resources and judicial-facing guidance. While all 50 states and D.C. provide “Pro Se Guides” or “Self-Help” handbooks for the public, only approximately 20 states have developed specific judicial bench books or cards dedicated to assisting judges in these matters.

B. Tier 1: The Dual-Track Leaders (Comprehensive Code & Manuals)

Jurisdictions in this tier represent the national “Best Practice” by providing both clear ethical authority in the Code and detailed operational manuals.

1. **Washington:** Combines a comprehensive Code (Rule 2.6) with the Pro Se Litigant Bench Card Checklist. This allows for immediate courtroom application of ethical principles.

2. **Indiana:** uses Model 1 (Code-Embedded) guidance alongside a specialized Judicial Benchbook for SRLs (specifically “Meeting the Challenge of Self-Represented Litigants”).
3. **Wisconsin:** Supplements its ethical framework with the manual “Meeting the Challenge of Self-Represented Litigants in Wisconsin”.
4. **Federal Framework:** Serves as a model for many states, using the U.S. District Court Bench Book and the Code of Conduct for U.S. Judges.

C. Tier 2: The Standalone Manual Model (Strong Procedural Instruction)

These jurisdictions maintain high-level ethics codes but provide judges with premier, specialized manuals to manage the “Justice Gap.”

1. **Massachusetts:** Offers the Judicial Guidelines for Civil Cases with SRLs (2025 Ed.), recognized as perhaps the most modern and detailed procedural guide currently available.
2. **California:** uses Bench guide 202: Handling Cases Involving SRLs, providing deep operational instructions despite a more general ethics code.
3. **Illinois:** Employs Best Practices for Self-Represented Litigants and dedicated Bench Cards to facilitate courtroom management.
4. **Arizona:** Provides judges with a specific Self-Represented Bench Trial Guide to navigate evidentiary and procedural challenges.

D. Tier 3: The Permission-Only Model (Nevada’s Baseline)

This tier encompasses the majority of jurisdictions (41%) that have adopted the ABA Model Code of Judicial Conduct as their baseline.

- **Characteristics:** These states provide express authorization for “reasonable accommodations” but lack dedicated internal bench guides.
- **National Standard Backup:** States in this tier often rely on the national template developed by the National Center for State Courts (NCSC) and the Self-Represented Litigation Network (SRLN): Handling Cases Involving Self-Represented Litigants: A National Bench Guide for Judges.
- **Jurisdictions:** Includes Nevada (NCJC 2.2), Hawai‘i (Revised CJC), and Idaho (JR).

E. Tier 4 & 5: Minimal to No Express Guidance

Jurisdictions in these tiers lack specific SRL-related language in their primary ethics codes, requiring judges to infer their authority from general principles.

- **Limited Guidance (Tier 4):** States like Alabama provide a guidebook (“Meeting the Challenge of Pro Se Litigation”) but lack the integrated code-level “Safe Harbor” found in higher tiers.
- **Minimal Guidance (Tier 5):** States like Alaska and Oklahoma rely on general commissions or standards without providing a specific roadmap for SRL interaction.

VII. FINDINGS AND OBSERVATIONS

1. **Infrastructure Diversity:** The research reveals that “Access to Justice” is increasingly managed through specialized portals that combine public and judicial resources.
2. **The Shift to Specialized Guides:** There is a growing trend of developing subject-specific guides, such as the Association of Family and Conciliation Courts’ Guide for Family Court Bench Officers or Arizona’s guide for cases involving mental disorders.
3. **Standardization vs. Discretion:** While the ABA Model Code provides a baseline for 40+ states, the “Model 1” and “Model 2” states are distinguished by their move toward standardized operational scripts to reduce judicial hesitation.
4. **Institutional Alignment:** Leading states ensure that their Judicial Conduct Commissions and State Supreme Courts are aligned on these standards, often hosting both the ethics codes and operational guides in a single, centralized location

VIII. ANALYSIS OF IMPLEMENTATION STRATEGIES: (MODEL 1)

If the Committee determines that amending the **Nevada Code of Judicial Conduct (NCJC)** is the most effective vehicle for reform, the research identifies a “Best Practice” strategy known as the *Integrated Operational Model*. This model bridges the gap between ethical permission and practical application by creating a two-part regulatory structure.

A. Component 1: The “Permission” Foundation (Rule 2.2)

The research indicates that Nevada’s current **Rule 2.2, Comment [4]** serves as a necessary ethical foundation. This provision should be maintained as the “Safe Harbor” that grants judges the high-level authority to make “reasonable accommodations” without violating the duty of impartiality.

B. Component 2: The “Operational Menu” (Rule 2.6)

The primary enhancement in Tier 1 jurisdictions is the addition of an Operational Comment to Rule 2.6 (Ensuring the Right to Be Heard). While Rule 2.2 tells a judge they *can* act, a revised Rule 2.6 tells them *how* to act.

Best Practice Checklist (*See Illinois in Appendix A For Example of Bench card and Washington for Checklist Example*): An effective Code-embedded revisions include a non-exhaustive list of specific, permissible actions.

1. **Procedural Transparency:** Briefly explaining the nature of the proceeding and the basic rules of evidence and procedure in plain language.
2. **Neutral Questioning:** Asking neutral questions to elicit or clarify essential facts, provided the judge does not act as an advocate.
3. **Narrative Testimony:** Allowing litigants to tell their story in a narrative format rather than strictly adhering to a question-and-answer sequence.
4. **Order of Proof:** Modifying the traditional sequence of taking evidence to help the court reach a fair determination.
5. **Pleading Construction:** Liberally construing pleadings to facilitate a fair consideration of the underlying legal issues.
6. **Basis of Ruling:** Ensuring that the reasons for a ruling are explained in terms that the unrepresented party can understand.

C. Strategic Analysis of the Integrated Model

Factor	Current Nevada Model (Permission-Only)	Integrated Operational Model (Proposed)
Judicial Hesitation	High: Judges may fear that specific assistance (like questioning) appears biased.	Low: Codified examples provide an explicit “shield” against claims of partiality.
Consistency	Low: Assistance is subject to the individual discretion of 100+ different judges.	High: Establishes a uniform “procedural floor” for all courtrooms in the state.
Appellate Safety	Ambiguous: Relying on “reasonable accommodation” provides little cover on appeal.	Robust: Judges can cite the Code itself as the authority for their courtroom management.

Resource Load	None: No new documents are created.	Minimal: Requires a one-time Code amendment rather than a recurring manual update.
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D. Addressing Judicial Bias Concerns

A central concern in judicial ethics is the boundary between “facilitating a hearing” and “practicing law from the bench.” The Integrated Operational Model addresses this by explicitly framing these techniques as essential components of the “Right to be Heard” (Rule 2.6) rather than exceptions to “Impartiality” (Rule 2.2). By moving these instructions into the Code, the Committee would transition Nevada from a jurisdiction that *permits* access to justice to one that *operationalizes* it.

IX. PROPOSED REVISION: NEVADA “OPERATIONAL MENU” MODEL

If the Committee pursues a Code-embedded strategy, the research suggests that the most effective approach is to leave Rule 2.2 (Impartiality) as a broad “Safe Harbor” and add a new, detailed Comment to Rule 2.6 (Ensuring the Right to Be Heard).

A. Proposed Language for NCJC Rule 2.6, Comment [2]

The following language integrates the most effective elements from the Washington and Indiana codes to provide Nevada judges with a clear “Operational Menu”:

[2] Judges should endeavor to ensure that self-represented litigants have a fair opportunity to participate in proceedings. A judge’s responsibility to promote access to justice may warrant the exercise of discretion by using techniques that enhance the process of reaching a fair determination. The exercise of such discretion does not generally raise a reasonable question about a judge’s impartiality. Consistent with these principles, a judge may find the following non-exhaustive list of steps helpful in facilitating the right of unrepresented litigants to be heard:

1. **Procedural Explanation:** Briefly explaining the nature of the proceeding and the foundational or evidentiary requirements in plain language.
2. **Neutral Fact-Finding:** Asking neutral questions to elicit or clarify essential facts, while explaining that such questions do not indicate a view on the merits.

3. **Plain Language:** Minimizing the use of legal jargon and explaining legal concepts in everyday terms.
4. **Narrative Testimony:** Permitting litigants to provide information in a narrative format rather than a strict question-and-answer sequence.
5. **Structural Clarity:** Starting the hearing with a summary of the issues to be addressed and moving clearly between the two sides as each issue is explored
6. **Liberal Construction:** Construing pleadings liberally to ensure that the underlying legal issues are fairly considered.
7. **Resource Referral:** Referring litigants to available self-help resources, legal aid, or courtroom technology (e.g., remote appearance tools).
8. **Forward Guidance:** Informing litigants of what will happen next in the proceeding and what is expected of them.

B. Comparison of “Model 1” Provisions

This table shows how the proposed Nevada language (Tier 1) would compare to the existing standards in our peer jurisdictions.

Operational Technique	Indiana Rule 2.2	Washington Rule 2.6	Proposed Nevada 2.6
Neutral Questioning	Yes	Yes	Yes
Narrative Testimony	Yes	Yes	Yes
Liberal Pleading Construction	Yes	No	Yes
Explaining Evidence Rules	Yes	Yes	Yes
Summarizing Case History	No	Yes	Yes
Explaining Bias/Neutrality	No	Yes	Yes

C. Strategic Implementation Analysis

1. **The “Right to Be Heard” Context:** By placing these examples under Rule 2.6 (Right to be Heard) rather than Rule 2.2 (Impartiality), the revision frames judicial assistance as a procedural duty rather than a bias exception. This subtle shift is significant for appellate review.

2. **The “Non-Exhaustive” Safeguard:** Using the phrase “non-exhaustive list” preserves judicial independence. It provides a “Safe Harbor” for the listed actions while allowing judges to innovate other “reasonable accommodations” based on the specific needs of their docket.
3. **Clarity for the Public and Bar:** Including these steps in the Code provides the legal community with a predictable “procedural floor.” Attorneys will understand that these actions are sanctioned by the Supreme Court, reducing “Advocacy Tension” when a judge assists an unrepresented opponent.

X. CONCLUSION

Nevada’s Rule 2.2, Comment [4] provides adequate ethical authorization but no operational instruction—judges have permission without more. The comparative research demonstrates that the jurisdictions resolve this through a dual-track structure in which the code authorizes and an operational manual instructs, and that a targeted amendment to Rule 2.6 adding an Operational Menu represents the most defensible immediate step available to the Committee. It requires no new rulemaking vehicle, draws directly from established Ninth Circuit precedent, and frames judicial assistance as a procedural duty rather than an impartiality exception—a distinction that matters on appellate review.

The remaining question for the Committee’s judgment is whether a code amendment alone is sufficient or whether Nevada should simultaneously develop a standalone bench guide. The Massachusetts 2025 Judicial Guidelines provide the most current national template for that effort.

Respectfully submitted for the Committee’s consideration.

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END OF MEMORANDUM.

SEE APPENDIX A FOR SOURCES.