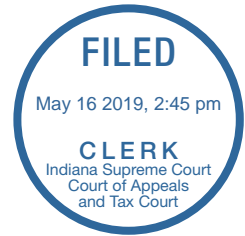


In the
Indiana Supreme Court



Cause No. 19S-MS-41

Order Amending Indiana Code of Judicial Conduct 2.2

In 2017, the Coalition for Court Access worked on several initiatives with the goal of enhancing and strengthening the civil legal aid delivery system in Indiana. As part of its work, the Coalition identified and endorsed three proposals for Court rule changes that it believes will further the mission of the Coalition and the Court to improve the availability and quality of access to civil legal services for persons of limited means. Accordingly, under the authority vested in this Court pursuant to Article 7, Section 4 of the Indiana Constitution providing for the discipline, removal and retirement of judges, the Indiana Code of Judicial Conduct is amended to read as follows (deletions shown by ~~striking~~ and new text shown by underlining):

Code of Judicial Conduct

...

Rule 2.2. Impartiality and Fairness

A judge shall uphold and apply the law and shall perform all duties of judicial office fairly and impartially. A judge may make reasonable efforts, consistent with the law and court rules, to facilitate the ability of all litigants, including self-represented litigants, to be fairly heard.

COMMENT:

[1] To ensure impartiality and fairness to all parties, a judge must be objective and open-minded.

[2] Although each judge comes to the bench with a unique background and personal philosophy, a judge must interpret and apply the law without regard to whether the judge approves or disapproves of the law in question.

[3] When applying and interpreting the law, a judge sometimes may make good-faith errors of fact or law. Errors of this kind do not violate this Rule.

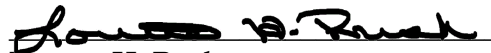
[4] It is not a violation of this Rule for a judge to make reasonable accommodations to ensure pro se litigants the opportunity to have their matters fairly heard.

[5] A judge's responsibility to promote access to justice, especially in cases involving self-represented litigants, may warrant the exercise of discretion by using techniques that enhance the process of reaching a fair determination in the case. Although the appropriate scope of such discretion and how it is exercised will vary with the circumstances of each case, a judge's exercise of such discretion will not generally raise a reasonable question about the judge's impartiality. Reasonable steps that a judge may take, but in no way is required to take, include:

- (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.

These amendments shall take effect on the date of this Order.

Done at Indianapolis, Indiana, on 5/16/2019.



Loretta H. Rush
Chief Justice of Indiana

All Justices concur.