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**IN THE SUPREME COURT
STATE OF ARIZONA**

In the Matter of:

**PETITION TO AMEND ARIZONA
CODE OF JUDICIAL CONDUCT
RULE 2.6 (ENSURING THE
RIGHT TO BE HEARD)**

Supreme Court No. R-24-0006

**Comment of the Arizona
Judicial Ethics Advisory
Committee**

The Judicial Ethics Advisory Committee (“Committee”) supports the petition filed by the Arizona Commission on Access to Justice (“ACAJ”) to amend Rule 2.6 of the Arizona Code of Judicial Conduct by adding a new comment #2 regarding permissible actions a judge may take in ensuring a self-represented litigant’s right to be heard. The Committee shares, however, the concerns of the Arizona Judicial Council reflected in its formal action on December 14, 2023, (as set forth in the petition on page 9) to add a sentence to the comment along the lines of the following: “Because these steps are aspirational goals, a judge would not be subject to discipline for failing to take these steps.” The Committee appreciates that the ACAJ’s proposed comment begins with the statement: “The steps that **are**

permissible,” but contends a more express statement would help judges and self-represented litigants navigate and understand judges’ obligations under the Code.

Accordingly, the Committee supports the language requested by the Arizona Judicial Conference or, in the alternative, proposes insertion of the following sentence before the last sentence of the new comment: **“The steps listed in this comment are illustrative of what a judge *may* do; it is not a violation of this Code for a judge not to take any such steps.”**

With the addition of the Committee’s proposed language, new comment #2 to Rule 2.6 would read as follows:

2. The steps that are permissible in ensuring a self-represented litigant’s right to be heard according to law include but are not limited to: liberally construing pleadings; providing brief information about the proceeding and evidentiary and foundational requirements; modifying the traditional order of taking evidence; attempting to make legal concepts understandable; explaining the basis for a ruling; and making referrals to any resources available to assist the litigant in preparation of the case. **The steps listed in this comment are illustrative of what a judge *may* do; it is not a violation of this Code for a judge not to take any such steps.** Self-represented litigants are still required to comply with the same substantive law and procedural requirements as represented litigants.

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SUBMITTED the 30th day of April, 2024.

/s/ April P. Elliott
Staff Director, Arizona Judicial
Ethics Advisory Committee

Electronic copy filed this 30th day of April, 2024.

By: April P. Elliott