

- Self-Represented
Litigants
- Sovereign Citizens

Not all litigants are
created equal....

...but both are
entitled to:

Procedural Fairness

- ◇ Concerned with procedures used by the decision-maker, rather than outcome
- ◇ Requires fair and proper procedure be used when making decisions
 - ◇ Statutes?
 - ◇ Rules?
 - ◇ Cases?

Elements of Procedural Fairness

Neutrality

Litigant perceives
unbiased and
trustworthy
decision made

Respect

Litigant feels
treated with dignity
and respect

Understanding

Litigant
understands how
decisions are made
and what to expect

Voice

Opportunity to be
heard

How to obtain procedural fairness?

Introduce
yourself

Make eye
contact with the
litigant and
audience
members

Court staff can
explain basic
rules and format
of court
proceedings

- *NOT LEGAL
ADVICE

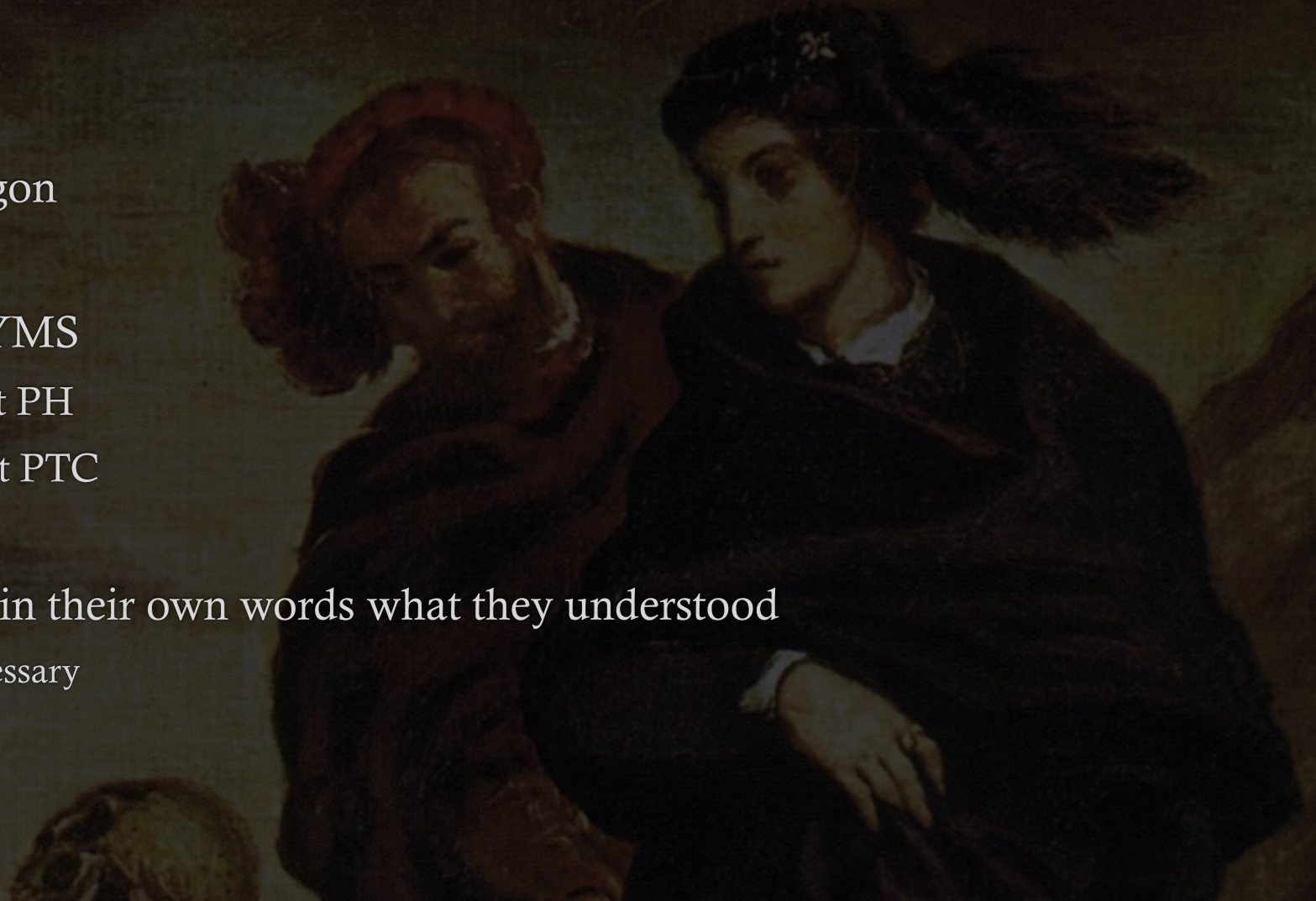
Written
procedures
publicly available

- Post on wall, bulletin
board, door, table
- website?

EXAMPLE I

The Lady Doth Protest Too Much, Methinks

- ◆ Speak in Plain English
- ◆ Avoid legal terms and jargon
- ◆ DO NOT USE ACRONYMS
 - ◆ Preliminary Hearing, not PH
 - ◆ Pre-Trial Conference, not PTC
- ◆ Allow litigants to explain in their own words what they understood
 - ◆ Correct or clarify if necessary



Stay on Task

- ◇ Avoiding reading or completing paperwork while case is heard
- ◇ Take breaks as need to stay focused
- ◇ Explain yourself
 - ◇ If writing orders, let them know you're writing
 - ◇ If typing notes during the case, let them know
- ◇ Don't make them feel like they aren't being heard or that you aren't paying attention



Common Issues Working with SRLs

Incomplete or
Inaccurate Forms

Zero knowledge
about evidence

Lack of
knowledge of law
or procedure

Lack of
confidence in
themselves

Incomplete facts
and complex
foundational
requirements



Need a Little Help From My Friends

- ◆ Canon 2: A judicial employee shall perform the duties of judicial employment impartially, competently and diligently
- ◆ Rule 2.6 Assistance to Litigants
 - ◆ A judicial employee shall assist litigants to access the court by providing prompt and courteous customer service and accurate information consistent with the employee's knowledge and the court's resources and procedures while remaining neutral and impartial and avoiding the unauthorized practice of law.

Things employees may do:

- ◆ Explain how to accomplish various court actions and provide information without recommendations
- ◆ Answer ?'s about court policies and procedures w/o violating confidentiality
- ◆ Provide public information
- ◆ Explain legal terms without interpreting
- ◆ Provide forms and answer procedural questions w/o recommending words to use
- ◆ Provided information re: procedural options, w/o opinion on what's best
- ◆ Cite statutes, court rules, or ordinances known by employee w/o doing legal research
- ◆ Refer to lawyer referral, etc. rather than recommend particular lawyer
- ◆ Provide scheduling and other info about the case w/o prejudicing other party and w/o using ex parte info from judge

Four Pillars of Procedural Justice

- ◇ Being fair in the processes
- ◇ Being transparent in actions
- ◇ Providing opportunity for voice
- ◇ Being impartial in decision making



Sovereign Citizen



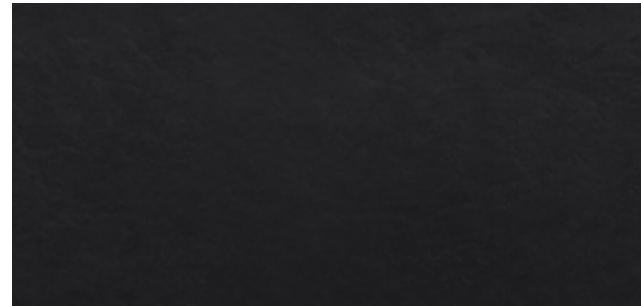
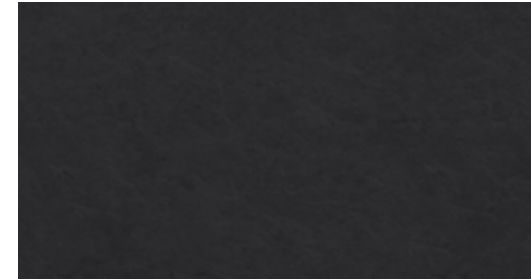
Movement

- ◆ No formal goals for it to achieve
- ◆ No hierarchy
- ◆ Loosely affiliated groups that train, help each other with paperwork, socialize and talk ideology
- ◆ No set texts defining it



We don't need no education!

- ◆ Sovereign citizens assert that when a court flies an admiralty flag, the court holds no jurisdiction over them, and the case should be dropped



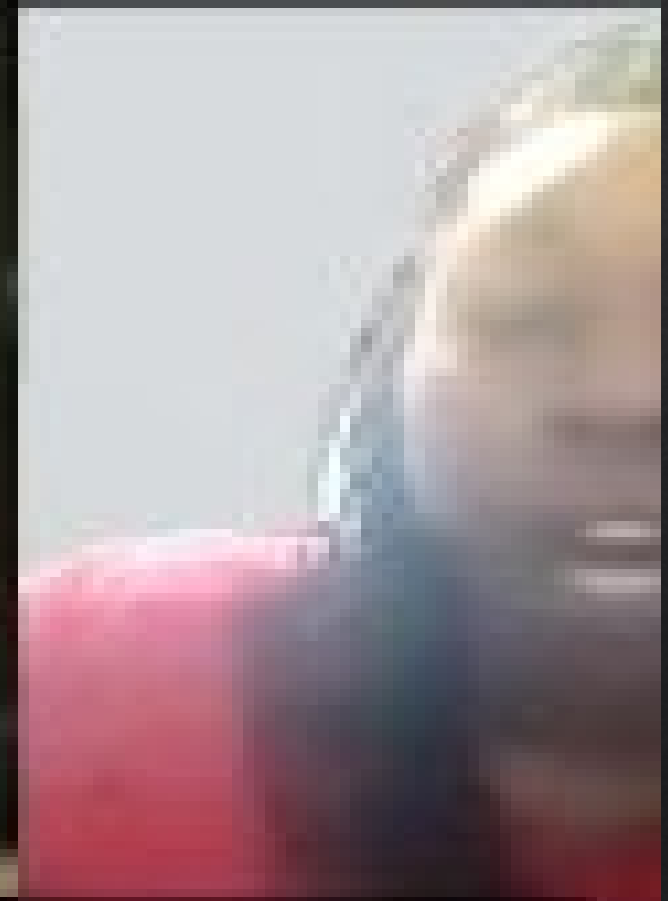
Another Brick in the Wall, part 1

- ◇ Redemption Theory:
- ◇ United States government went bankrupt when it abandoned the gold standard as the basis for currency in 1933
- ◇ As such, the government began using citizens as collateral in trade agreements with foreign governments

Another Brick in the Wall, part 2

- ◇ Judges know about the hidden government takeover
- ◇ Judges deny the sovereign citizens legal rights out of treasonous loyalty to hidden and malevolent government forces

Who are you?



(Not) A Boy Named Sue...

Freemen on
the land

Flesh and
blood
human being

Natural man

Free person

Sovereign
man

A natural
person

Going through the motions...

◇ Standard Motions:

- ◇ Plea to Jurisdiction
- ◇ Motion to Suppress
- ◇ Motion for Discovery
- ◇ Motion to Dismiss

◇ Novel Motions:

- ◇ Notice, Grace and Demand by Declaration
- ◇ Declaration for Notice with surety Act and Bond
- ◇ Appearance Brief
- ◇ Administrative Notice

Common References

References

- Bible
- The Constitution of the United States
- The U.C.C.
- U.S. Supreme Court decisions
- Treaties with foreign governments

Personal names

Personal names spelled in all capital letters or interspersed colon

JOHN SMITH

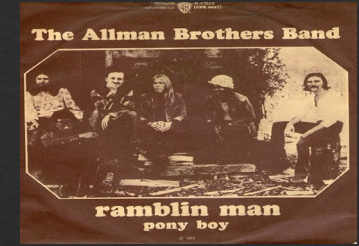
Smith: John

Signatures

Usually followed with:

- “under duress”
- “Sovereign Living Soul” (SLS)
- Copyright symbol (©)
- Personal seals, stamps, thumb prints
- “accepted for value)

I was born a ramblin' man...



What if they refuse to identify themselves?



SCOUR THE FILE FOR IDENTIFYING
INFORMATION AND POINT IT OUT



ANNOUNCE YOUR INTENT TO
RESET THE CASE AND SEND
NOTICE TO THE DEFENDANT SO
THEY'LL HAVE FAIR NOTICE



ANNOUNCE YOUR INTENT TO
ISSUE A WARRANT AND DEFAULT
THE CIVIL MATTER (IF
APPLICABLE)



All we need is just a little
patience

A judge shall be patient, dignified, and
courteous to litigants...

Rule 2.8(B), Arizona Code of Judicial Cond

*“Patience is the most
necessary quality...
many a man would rather
you heard his story
than grant his request.”*

-Phillip Stanhope,
4th Earl of Chesterfield
1694 - 1773



F MINUS



THEY SAY THE RIGHT TOOL FOR THE JOB IS THE ONE THAT GETS IT DONE! SOMEONE SAID THAT, ANYWAY.

If I had a
hammer...

- ◆ What tools do we have to help us through these hearings?
- ◆ Remember, our job is "...to provide for the just and speedy determination of every...proceeding. Courts...should construe these rules to secure simplicity..., fairness..., the elimination of...delay, and to protect the...rights of the individual..."

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PETER, PAUL & MARY

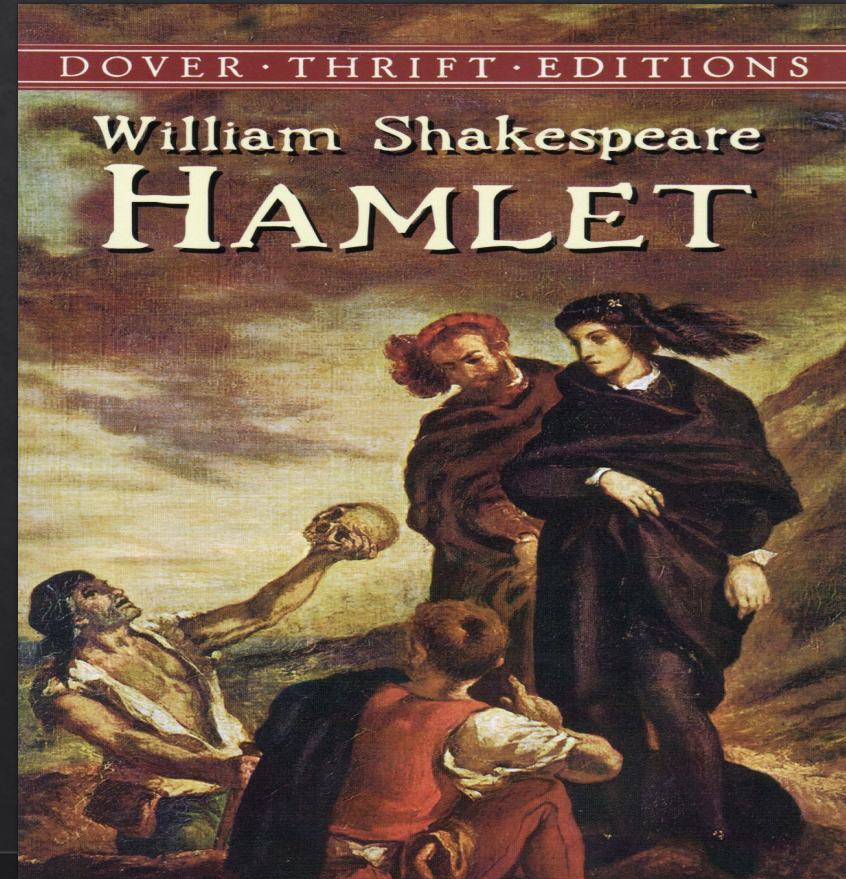


IF I HAD A HAMMER



To be, or not to be...

Develop	Develop a philosophy
Re-examine	Re-examine practical courtroom handling of difficult litigants
Improve	Improve techniques to effectively address such litigants



Don't engage



Courtroom Management

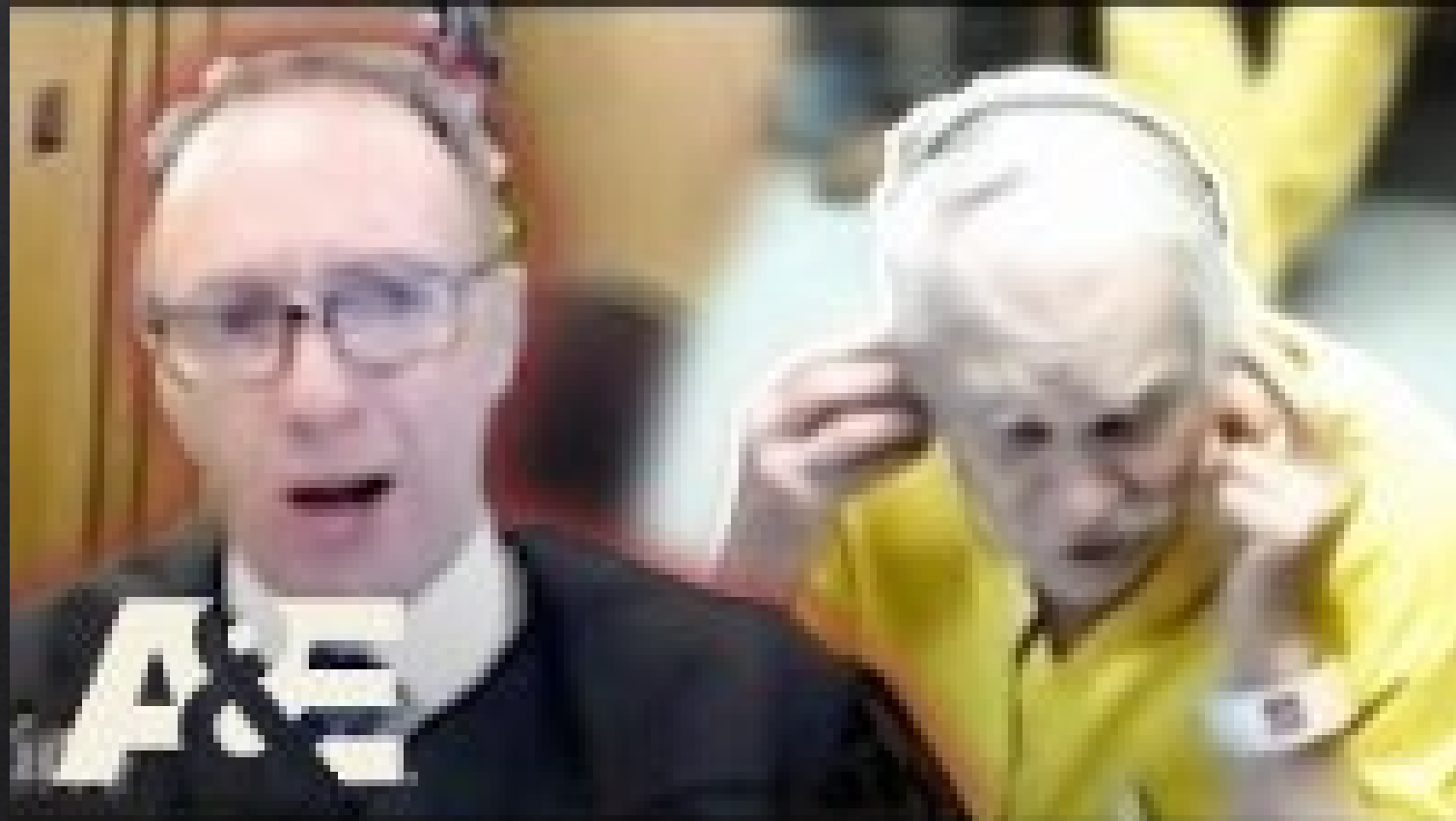
- ◇ Be prepared:
 - ◇ Review pleadings in advance
 - ◇ Have a strategy

- ◇ Be professional:
 - ◇ Polite – hearing recorded or virtual?
 - ◇ Complaints against judicial officers

Remember...

- ◆ There is value in formality
- ◆ Maintain Control
- ◆ Maintain your demeanor

What not to do...



What to do...

Response to:

\$100,000 being placed upon my father
All flights cancelled to that date
when my name puts up no arrest record

We just want
Exclusion of name in the news papers or
Exclusion that I am arrested and charged with
wide spread that I am arrested I want
to be removed from the public servants list
to be removed from the public servants list
to be removed from the public servants list
to be removed from the public servants list



Strategy

“I’m sorry, we are out of time”

“I have to leave enough time for other folks in the courtroom”

“I need to think about this a bit before I make a decision on your case”

**This applies to any situation regardless of whether SRL’s, sovereign citizens, represented parties

Planning



ADDITIONAL
SECURITY?



ADDITIONAL TIME
SET FOR THE
HEARING?



SET ON A DIFFERENT
DAY/CALENDAR
FROM NORMAL
SETTINGS?



LIMITS ON FILINGS?



PICK YOUR BATTLES!