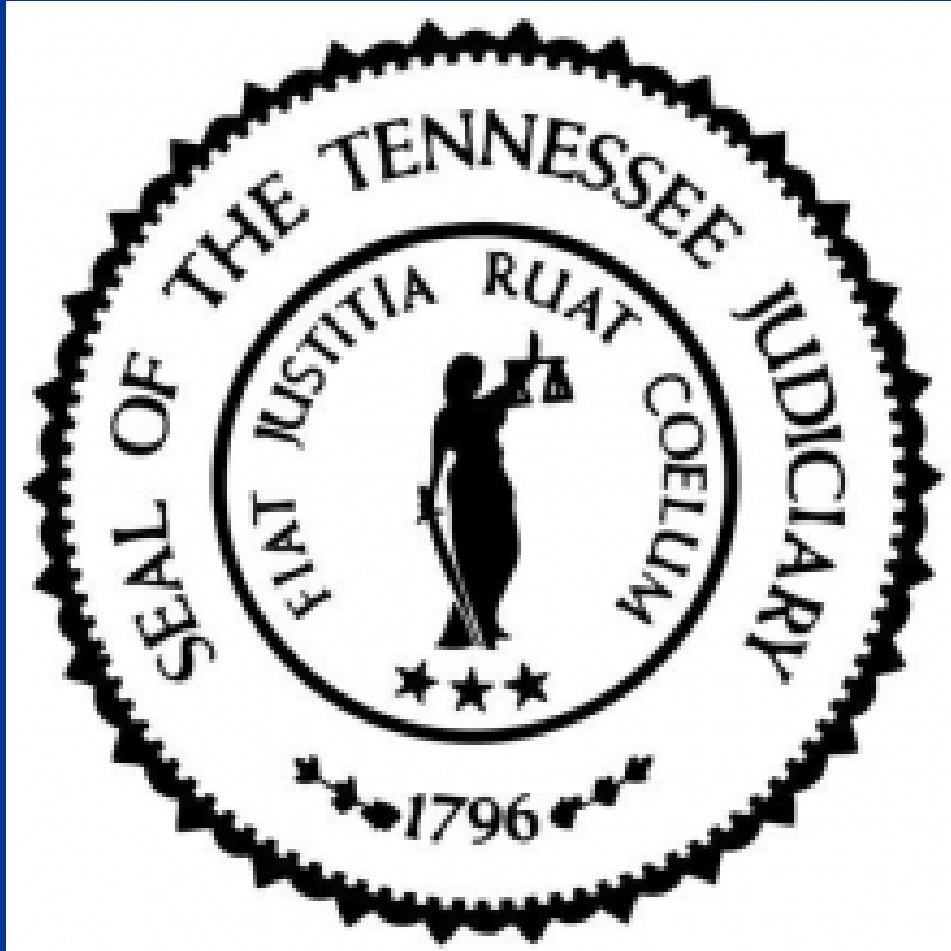


Self-Represented Litigants & Sovereign Citizens (and a few other difficult litigants)



Tennessee Municipal
Judges Conference

November 3, 2023

Learning Objectives

After this session you will be able to:

1. Describe methods for making the SRL process more enjoyable for judges;
2. Summarize effective methods for handling cases involving SRL's versus attorneys; and
3. Manage difficult SRL cases if the litigants are disrespectful, obstreperous or angry.

Learning Objectives

After this session you will be able to:

1. Develop a philosophy for addressing sovereign citizens;
2. Re-examine practical courtroom handling of difficult litigants; and
3. Improve techniques to effectively address such litigants.



Yes

No

I like having SRL's in my court

Maybe

I don't know

HOW WE STARTED





WHERE WE ARE NOW

WHERE WE ARE NOW



Rule 2.2

A judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially.

Rule 2.2 (comment)

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.

JUDICIAL STRESS

RANK	STRESSOR
1	Importance of decisions
2	Heavy case docket
3	Unprepared attorneys
4	Self-represented litigants
5	Dealing with parties repeatedly without addressing underlying issues

TYPES OF SRL's

1. True SRL;
2. Pseudo-SRL (Sovereigns);
3. Disruptive litigant

TRUE SRL



WHY SELF REPRESENT?

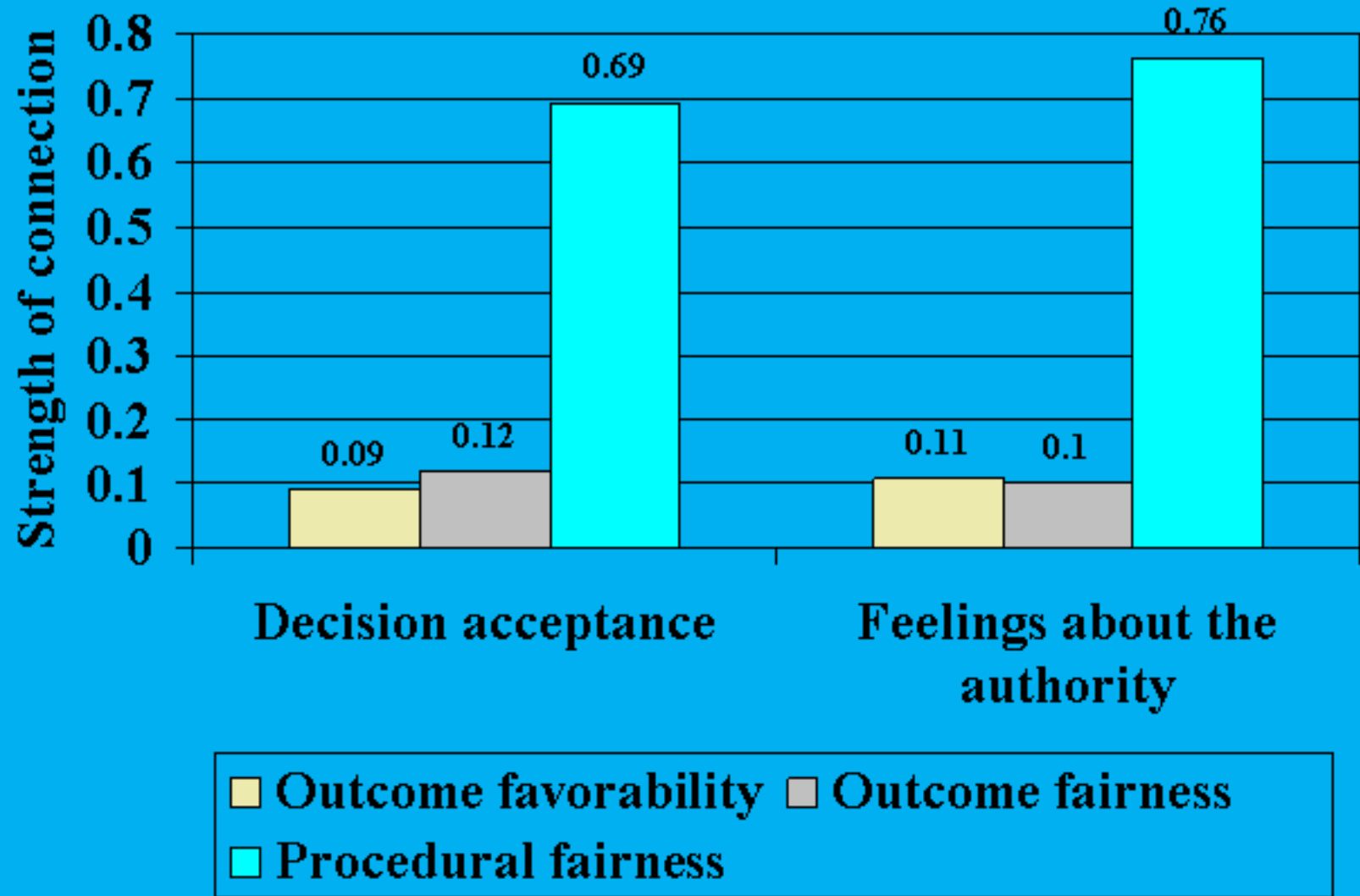
Real or
perceived
expense of
representation

Decreases in
funding for
legal services

Mismatched
capacity and
need

Unable to
afford
representation

Why people accept decisions



PROCEDURAL
FAIRNESS --
WHAT MATTERS

- Key elements:
 - Participation
 - Neutrality/trust
 - Respect
 - Interest
 - Understanding

**INCOME,
EDUCATION,
GENDER,
ETHNICITY**

**WE ARE
ALL THE
SAME**

**WHAT
DOESN'T
MATTER**

➤ **LEGAL ADVICE?**

➤ **LEGAL
INFORMATION?**



IS IT

LEGAL ADVICE

- STRATEGY
- COUNSELING
- PREDICT OUTCOME
- INTERPERT THE LAW
BASED ON CASE FACTS
- REFER TO A SPECIFIC
LAWYER

LEGAL INFORMATION

- FACTS ABOUT THE LAW
- ITS ON THE WEBSITE
- EXPLAIN THE PROCESS
- REFER TO RESOURCES
- COPIES OF FORMS
- COPIES OF STATUTES
- COPIES OF REGULATIONS
- EXPLAIN NEXT STEPS

LITIGANT DEMEANOR

Nervousness

**Pace and manner
of language**

Body language

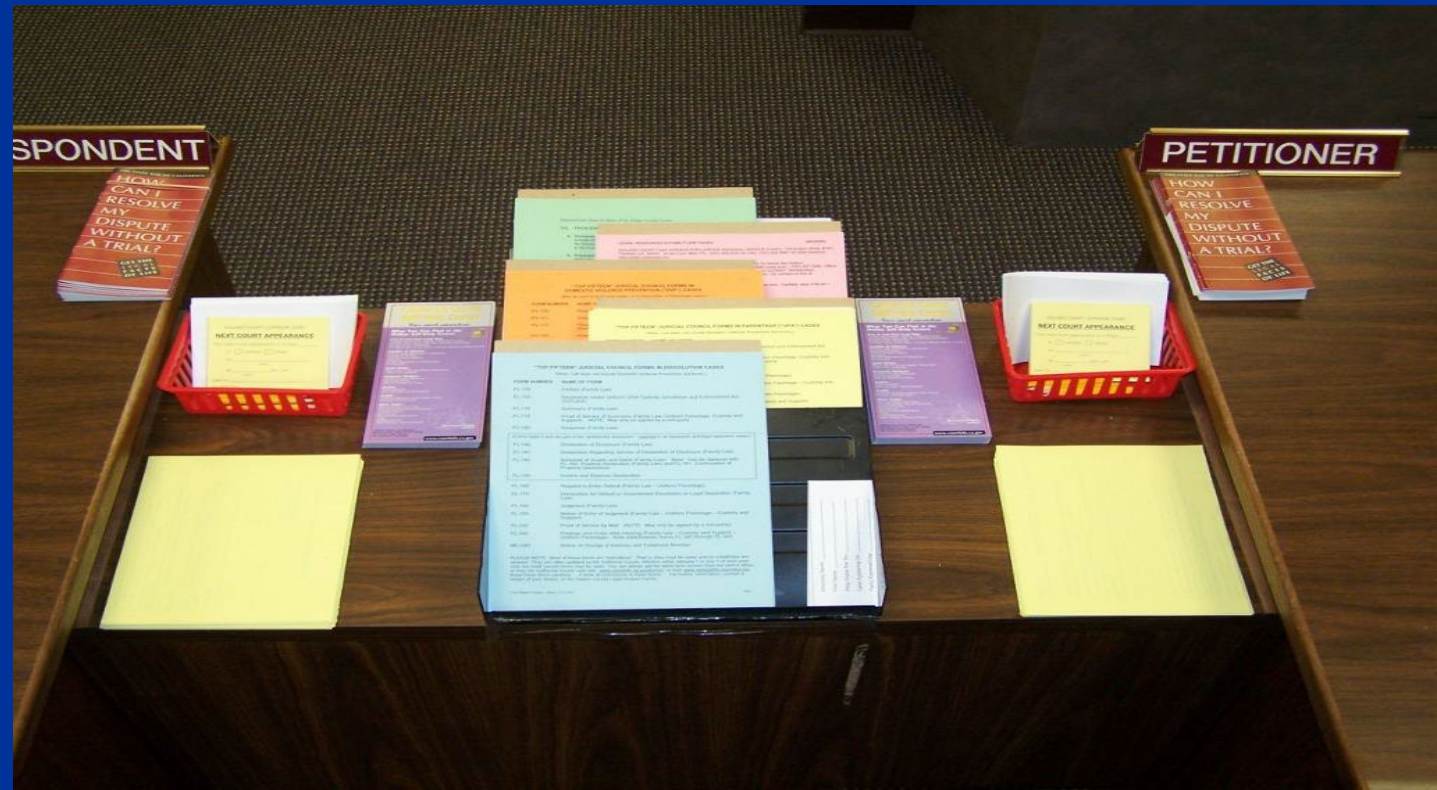
**Common
knowledge may
not equal correct
knowledge**

**We are not as
good at
interpreting non-
verbal cues as we
think we are**

Culture



User-Friendly Litigants' Tables...



START THE HEARING

Review	Review cases before taking bench
Clarify	Clarify the hearing's purpose/frame the hearing
Confirm	Confirm the parties' goals and positions- briefly review pleadings with them
Explain	Explain the process- including you will ask questions

THE HEARING

Probe

**Probe for
detail/keep
on topic**

Move

**Obviously
move
between
parties in
presentation**

Involve

**Involve
litigants in
the decision-
making
process**

Anticipate and resolve

**Anticipate
and resolve
compliance
concerns**

ENGENDERING CONFIDENCE

1

Be active in the hearing

2

Show (gently) you heard and understand

3

If SRL is repetitive, repeat his point and ask to move to a new point

4

Take the time to obviously look at and read documents/photos

OPEN ENDED QUESTIONS



“Could you give me a little more information about _____”

“Help me understand _____”

“Can you give me some specific details about _____?”

➤ “Why is this important?”

ONE SIDE REPRESENTED

Setting the stage critical

**How evidence/objections
managed**

**Judge ask Q's and guide
the SRL**

ONE SIDE REPRESENTED

Judge may modify order of proof or method of presentation- allowed in all cases

Sovereign Citizen





**IT IS ONLY
NOTIONALLY A
“MOVEMENT”**

- Not well studied in the literature
- 300,00-500,000+ and growing
- International in scope

RUSSIA



IT IS ONLY NOTIONALLY A “MOVEMENT”

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

**IT IS ONLY
NOTIONALLY
A
“MOVEMENT”**

- LOTS of YouTube videos
- “Gurus” spread the ideology
- “Gurus” teach workshops
- Sell materials, pleadings

WHO ARE SOVEREIGN CITIZENS?

Some unemployed; some not- all walks of life

Generally middle-aged white males

Don't recognize state ability to regulate (DMV)

Some violent

Some armed

CORE BELIEF

The American government
is illegitimate

PURPOSE IN COURT

- The court is a forum:
 - To protest the judicial system
 - To protest against Federalism
 - To preserve their claimed rights
 - To strategically befuddle judge and opposing counsel to promulgate countercultural ideologies

ORIGINS/BELIEFS OF THE “MOVEMENT”

- Generally, a merger of Posse Comitatus, Patriot movement, multiple Aryan Nation factions and tax protestors in mid to late 20th century
- There is also a dash of common-law courts

FOURTEENTH AMENDMENT

- Fourteenth Amendment created a lesser Federal Citizenship in addition to a superior state Citizenship;
- Federal Citizens are governed by the federal government;
- State citizens retained their original, separate citizenship

RECLAIM SOVEREIGNTY

Renounce U.S. citizenship and sever all ties with federal government by destroying state identification, refusing to pay taxes and rejecting various registration and title requirements

REDEMPTION THEORY

- In 1933 all citizens were pledged as collateral for national debt as a result of the loss of moving away from the gold standard.
- All citizens have 2 identities: a real “private” person (sovereign citizen) and a fictional “public” person (the strawman)
- Government can only exercise authority over the strawman

If a court flies a military or an admiralty flag (i.e., an American flag with gold fringe), the court holds no jurisdiction over them.



THE BOTTOM LINE

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

NAMES

**Freemen on
the land**

**Flesh and
blood human
being**

Natural man

Free person

**Sovereign
man**

**A natural
person**

MOORS OR MUURS



- More organized than others
- Name incorporate- “el” or “bey”
- Primarily African-American
- Descended from original inhabitants of North America
- Own all the land

Criminal activity

Mail, bank, mortgage, and wire fraud;

Money laundering;

Tax violations;

Illegal firearms sales and purchases;

Illegal insurance companies;

Selling false diplomatic identification cards.

Money making

- Sell information to avoid paying taxes,
- Sell materials, such as CDs or DVDs.
- Sell fraudulent documents— drivers' licenses, passports, diplomat identification, vehicle registrations, concealed firearms permits, law enforcement credentials, and insurance forms
- “Consultant services” to prepare sovereign-citizen paperwork.

WEAPONS AGAINST JUDGES



- File liens against property
- Change utility names
- File fraudulent deeds
- Fraudulent UCC filings
- Conviction in common law court

Weapons in Court



Filings

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 to the Bible, The Constitution of the United States, U.C.C., U.S. Supreme Court decisions, or treaties with foreign governments

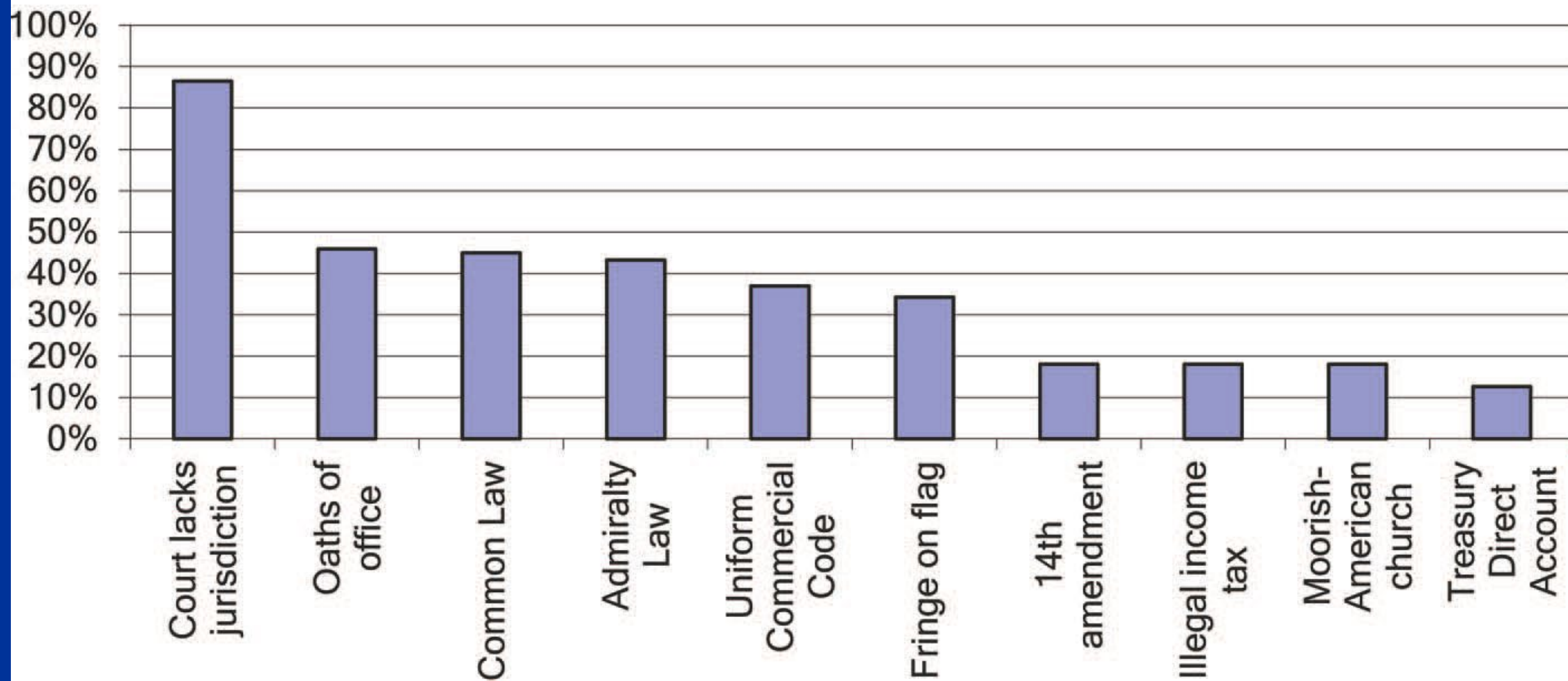
Personal names spelled in all capital letters or interspersed with colons (e.g., JOHN SMITH or Smith: John)

Signatures followed by the words “under duress,” “Sovereign Living Soul” (SLS), or a copyright symbol (©)

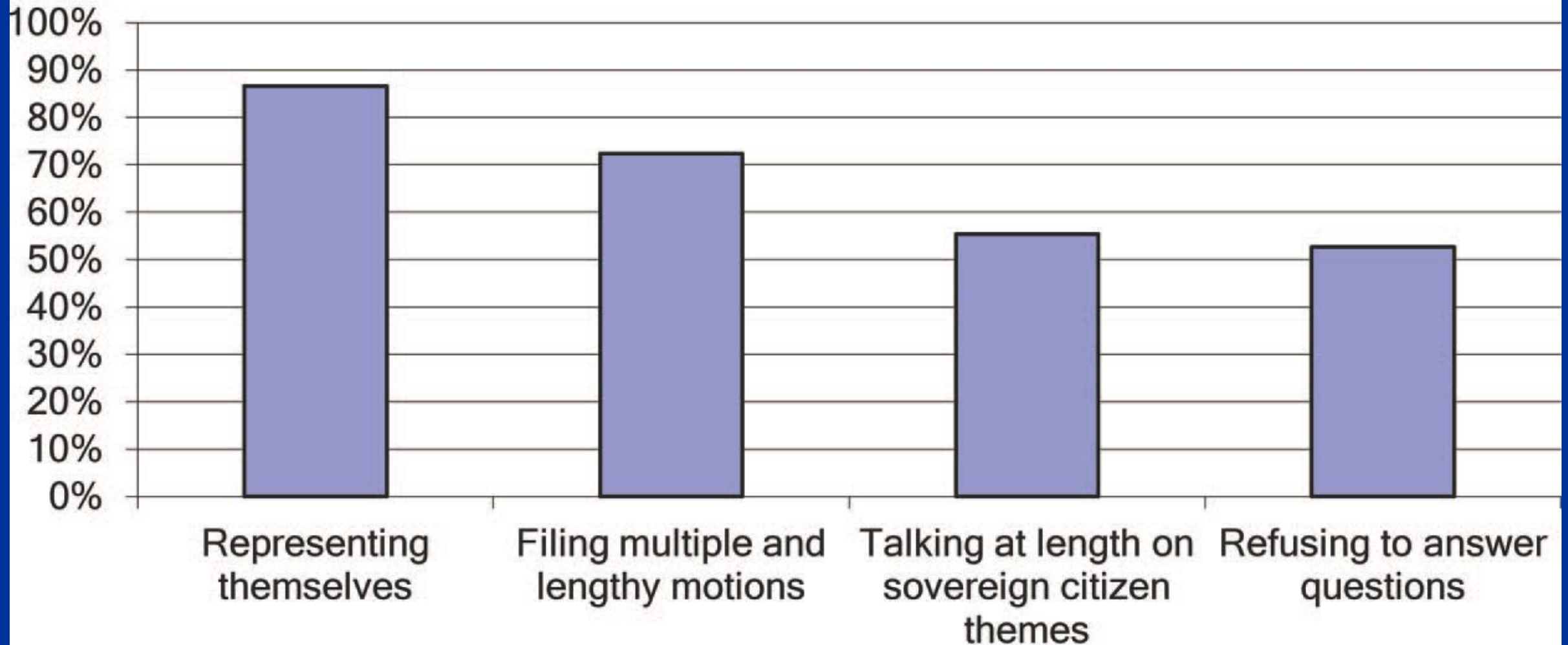
Personal seals, stamps, or thumb prints in red ink

The words “accepted for value”

What issues or objections do sovereign citizens typically bring up in court?



What are common sovereign citizen tactics or behaviors in your court?



I, me, Pauline from the house of Bauer challenge the courts jurisdiction over me, a living woman, one of we the people, creator of Government. My status is clearly defined in my Notice of Special Appearance, that has already been filed. As a Free living Soul, Sui Juris, Jus Soli, an ambassador of Christ, Attorney in fact, I demand that this be a Constitutional Court of Record, that there will be no Presumptions, assumptions, no tacit agreements, no waiver of rights, no subversion of rights, no hearsay, no lawyering, or attornment from the bench. I do not plead with the court, I do not plead guilty, I do not plead not guilty, I declare my innocence. I am counting on you to be a honorable man, and I must ask you: are claiming your authority over me from your oath of office? Are you claiming to derive your authority over me from the doctrine of PARENS PATRIAE? Are you claiming to derive your authority over me from THE UNITED STATES, THE UNITED STATES OF AMERICA, statute(s),

Affidavit in Support of Ramey

Before me, the undersigned Notary, acting territorially to "this state", "UNITED STATES", "UNITED NATIONS", personally appeared, 'Ramey' **Kevin Francis Ramey**, known by me, and who, upon administration of Oath, or Affirmation by me, declared and deposed as follows: I am Ramey; I am at least 18 years of age Sui Juris, and, am competent to make this Affidavit. I have personal knowledge of these facts, and under pains and penalty of perjury, swear these facts are true and correct.

Assertion of Rights

I assert all my Unalienable/Inalienable Rights, privileges and immunities at Natural Law, Cultural Law (American Republic), Common Law, and any Commercial Rights relevant to a place called this state of Alaska. Any waiver of Rights remedying this matter will be specific, in writing, and of Record, never assumed or implied. U.C.C. 1 § 308 All Rights Reserved Without Prejudice

Statement

I have a very firm belief that CSSD/PFDD Signature Authority. This follows from my very firm belief that they cannot establish agency, as discussed in the foregoing **For your immediate attention, Notice of Intent to Suit without further Notice, All Rights Reserved U.C.C.1 § 308;**

The facts asserted in this **For your immediate attention, Notice of Intent to Suit without further Notice, All Rights Reserved U.C.C. 1 § 308,** are true and correct; In particular, I have received no





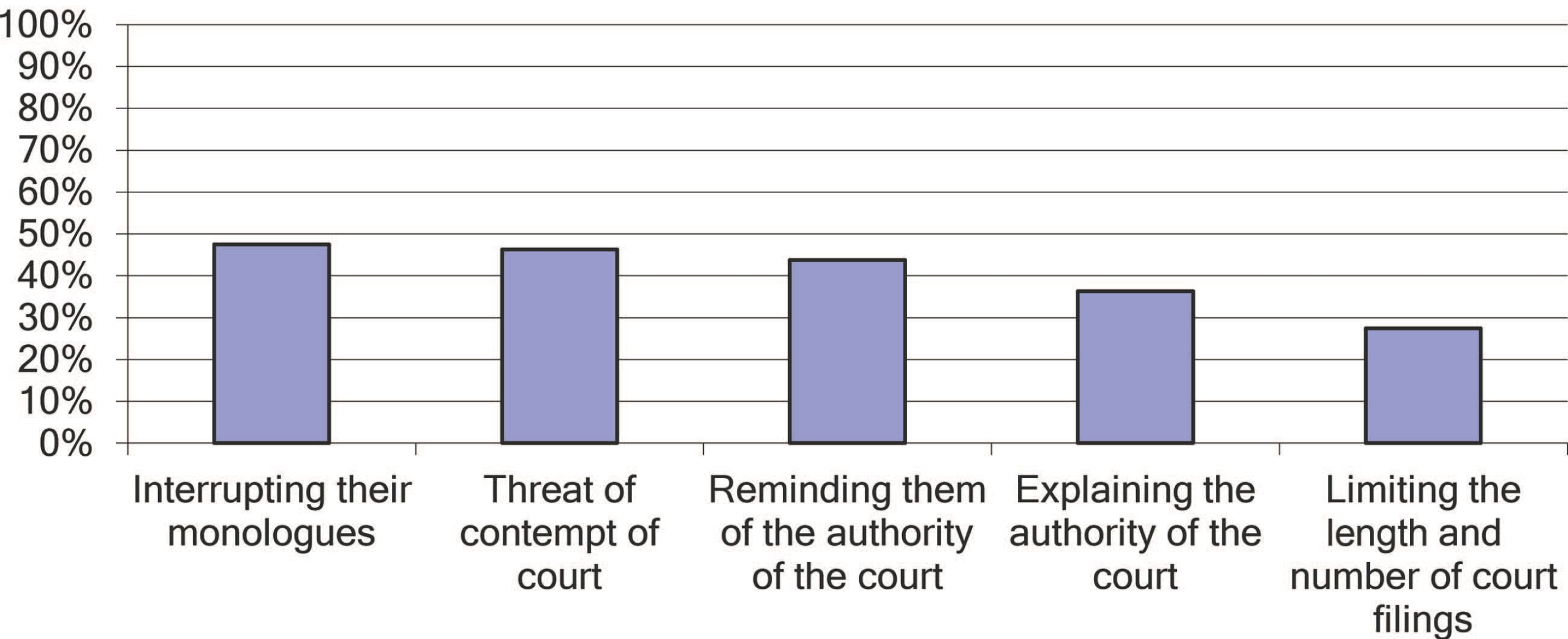
AND THE JUDICIAL RESPONSE IS.....?



Don't Engage



What interventions have you found to be the most effective in managing sovereign citizens in court?



Plan Ahead

- Additional security?
- Additional time?
- Set on different days/calendars
- Limits on filings
- Pick your battles

REACTIONS/RESPONSES

- Monetary sanctions;
- Evidence sanctions;
- Aggressive case management;
- Pre-filing injunction
 - Must be narrowly tailored;
 - Allow person to file legit lawsuits;
 - Used sparingly
 - Include affidavit of novel claim

Naja v. Zahar

“[T]hough pro se litigants cannot, of course, be expected to frame legal issues with the clarity and precision ideally evident in the work of those trained in law, neither can district courts be required to conjure up and decide issues never fairly presented to them.”

Naja v. Zahar

- Admonish plaintiffs of frivolous nature of the action;
- Court can issue a pre-filing injunction;
- Recognize a pre-filing injunction is a “drastic remedy”;
- Warn plaintiff that further filings may result in sanctions, including pre-filing injunction.

Remember procedural fairness



DISRUPTIVE LITIGANT

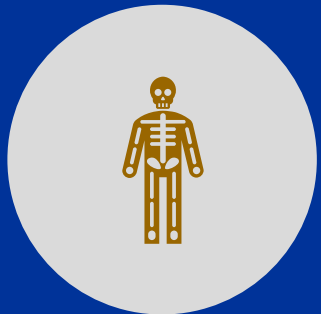




How disruptive
are they?



How might
their behavior
affect others?



If not abusive--
allow them to
vent? (How
long?)



Are there
cognitive
issues?

Disruptive Litigant- Generally

Provide structure and direction (ground rules, process overview, small steps)

Give them something constructive to do (take notes, etc.)

Active listening- repeat back- but don't embellish- be aware of your body language- be calm, gentle gestures

Disruptive Litigant- Generally

If possible, build a rapport

Lower your voice, calm measured words, slow pace

Validate/acknowledge their feelings-- not their actions

Don't take it personally

Don't judge

Disruptive Litigant -Generally

01

Keep as positive as possible

02

Draw on a broader authority

03

What about the rest of the room

04

Allow graceful exit ... *if possible*

05

Set limits

Plan Ahead

- Additional security?
- Additional time?
- Set on different days/not on the same calendar
- Spread around courtrooms

Plan Ahead

- Vexatious litigants
- Limits on filings
- Pick your battles
- Differentiate between SRL types in rules and policies
- Financial sanctions

COMMON STRATEGIES

- Don't escalate
- Maintain respectful control/promote civility and predictability
- Clear expectations

Courtroom management

➤ Be prepared

- Review pleadings in advance
- Have a strategy

➤ Be professional

- Polite—hearing recorded or virtual?
- Complaints against judicial officers

The Value of Formality

RULES

1. you CAN....
2. you CAN'T...
3. you CAN....
4. you CAN'T

Gentle, but Firm Control

Deal with interruptions

Stop sign (hand)

Progressive “sanctions”

- Warnings
- Recess
- Move to end of calendar
- Continuance

STRATEGIES

- “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”

Maintain Perspective

Can't always
help a litigant

**Maintain
Perspective**

There simply
may not be a
good solution

Mark Juhas

majuhas@lacourt.org

**THANK
YOU**