

2022 NAALJ Conference in Albuquerque, New Mexico
October 26, 2022 Plenary Session 8

What can Judges do to help preserve the record?

1. Be sure to fully explain procedural steps to pro se litigants on the record and include reference to these explanations in any related rulings.
2. Make sure any recordings of hearings are clear, in particular when dealing with pro se litigants. They may have a tendency to speak over others and not follow rules that attorneys take for granted.
3. When ruling on oral motions or objections, provide some basis for the record when appropriate. Again, you may need to explain the rulings for pro se litigants.
4. Set aside the time to maintain internal records (docket sheets, etc.) so they are accurate and legible. Your file may be later viewed on appeal so you want it to be organized.
5. Provide adequate time to parties to brief issues.
6. Take the necessary time to write detailed orders.
7. If the parties supply draft orders, be sure to require they are as complete as you would have made them had you drafted the order yourself.
8. Take steps to ensure all evidence is clearly marked and appropriately described for the record.

Lessons learned on Administrative Review

1. The record is the key to all administrative reviews for the reasons discussed above.
2. Transcripts can be messy so be sure to make comments about who is speaking and note the basis for rulings. Require people to be on mute unless speaking to avoid background noise if hearing by phone or video.