

From: [Lemuel Bray](#)
To: [RulesCommittee Secretary](#)
Subject: Pro Se CM/ECF privileges
Date: Thursday, May 07, 2020 12:21:15 PM

Recommend Pro se litigants be granted CM/ECF privileges if they meet rules and decorum in filing in a trial period. No frivolous filing accepted and frivolous and impropriety filings a reason for withdrawal of the privilege on order of a clerk.

Lemuel C Bray

[REDACTED]

[REDACTED]

From: [Dr. Elvis Zornic](#)
To: [RulesCommittee Secretary](#)
Subject: Suggestion
Date: Thursday, May 07, 2020 12:31:58 PM

Dear Sears the online platforms application Zoom, webex, sky, ectr. Is to good for communication boot in to work in case is to don't have cyber security is to have program to manipulation pictures online person to create cloud online connection person in chat rome the is move effect SF in technology. The is not good for work in case s in the function for same time is to bother wait 3 moans and tradition work courts in traditional process in courts is have best security in work. This suggestion is to have to mach last period webinar seminar same time is don't have pictures only audio is to present solution same time is theme is not in rule and agenda webinar the for this is to mast have strong connection application to ID read card to identification is persons to is true identity is to good and stability connection web link the same in Video Call numbers phone example Viber and Wacap boot is normaly phone numbers to have vide call option.

Thank Very Mach

Dr. Zornic Elvis

Arbiter and Mediator New York

From: [David Michaels](#)
To: [RulesCommittee Secretary](#)
Subject: Proposed Rule Amendment
Date: Thursday, May 07, 2020 12:32:55 PM

Dear US Courts:

Please pass a rule that requires all district courts to allow any party to a proceeding to electronically file documents in their proceeding, even if they are self represented parties acting pro se.

The WDNY has a local rule that requires pro se litigants to file documents either in person or by mail. This creates a disadvantage for a party when there are time constraints or tight filing deadlines.

Thank you,

David Michaels, J.D.
[REDACTED]

[REDACTED]

=====
This information, including any attachments, is confidential and for the exclusive use of the person to whom it is addressed.
=====

Shelly Cox

From: Andrew Straw [REDACTED]
Sent: Thursday, May 07, 2020 12:38 PM
To: RulesCommittee Secretary
Cc: Andrew Straw
Subject: COVID-19 and US Courts Rule Changes

I am interested principally in *pro se* litigants and disabled court participants.

These are the changes I would implement immediately to make the courts more accessible and to reduce poor arguments in court.

1. IFP status should carry with it full access to PACER at no charge. This will reduce the number of frivolous arguments and will increase the quality of pleadings.
2. All court filings should be electronic (email or CM/ECF) for all *pro se* filers.
3. All *pro se* litigants should automatically be enrolled in "one free look."
4. Judges should be more hesitant to dismiss *pro se* cases out of hand and should wait until a motion to dismiss is made. If a defendant does not answer or defend, even a poorly-drafted complaint should be eligible for default.
5. When a court promises to serve under 28 USC 1915(d) and FRCP Rule 4(c)(3), that service must be done with no excuses.
6. When a party lies about the number of days to answer or defend and uses such perjury to obtain more time, severe Rule 11 sanctions must be imposed on that liar. An enhanced Rule 11 is needed.
7. No court of appeals or trial court must **EVER** hire any litigant before that court or likely to return.
8. No former law firm of a federal trial judge must EVER represent one side in an appeal from that judge.
9. When a plaintiff wishes to sue a state court for ADA violations, another circuit must make itself available so there is some place the plaintiff can expect a fair trial.
10. Disabled attorneys must be given great deference when filing ADA cases, and the use of the word frivolous must be banished in such cases. <http://InReStraw.andrewstraw.com>
11. Disabled attorneys must not lose a law license without a hearing and an unfair hearing by a state court is not sufficient process. <http://dueprocess.andrewstraw.com>
12. A statute of repose must be found unconstitutional if the entity relying on it prevents a lawsuit through lying and covering up damage done, especially poisoning with chemical toxins.

13. MDL courts and the court of appeals above must be directed to use the law of the place where the injury occurred, since circuits differ remarkably.
14. Court clerks must have a rule that mandates filing EVERY document presented by a litigant, with no court order preventing it possible.
15. A rule must be implemented preventing judges from getting revenge for ADA or constitutional lawsuits by banning a litigant or lawyer from making filings or initiating cases. *Straw v. Indiana*, 18-2878 (7th Cir. 2018)
16. A rule must be implemented establishing that when a case is dismissed for lack of service, the case is automatically dismissed without prejudice and with **the right to refile** within the statute of limitations.
17. A rule must be implemented that *res judicata* cannot be used to prevent a refiling when the new case includes people never sued before and the earlier case was dismissed for lack of service.
18. When a state court retaliates against an ADA complaint, the U.S. Supreme Court must protect the disabled lawyer and review any discipline to protect the fundamental right to have a law license.
19. Disability discrimination must become part of the federal FRCP and FRAP rules so as to eliminate all discrimination and implement the ADA. Similarly, IIED in the form of disability discrimination must be recognized in the FRCP.
20. Disability needs to stop being a reason to deny motions and requests and instead disability must become a civil rights category equal to race or gender.
21. U.S. Supreme Courts should be amended to ensure that lawyer discipline cases are automatically reviewed by the justices, since the right to a law license is a fundamental right under Supreme Court precedents. Denials of certiorari should be impossible in such cases, since *Tennessee v. Lane*, 541 U.S. 509 (2004), shows that state courts discriminate. The U.S. Supreme Court needs to take and wear the mantle of final authority on law practice in the USA. Every lawyer in every state must be deemed a lawyer for U.S. Supreme Court purposes. When states attack and violate this fundamental right, the Supreme Court should be available to stop it.

Sincerely,



Andrew U. D. Straw, Esq. (Virginia)

[Redacted]

[Redacted]

Mobile Phone: [Redacted]

[Redacted]

<http://www.andrewstraw.com>

<http://links.andrewstraw.com>

20-GEN-05

From: [Ronald Anania](#)
To: [RulesCommittee Secretary](#)
Subject: Virtual Hearings
Date: Thursday, May 07, 2020 12:48:45 PM

Instead of having each Judge conduct a teleconference or video conference using numerous platforms of their choice, only one should be used, causing less confusion and effort for all.

Regards
Ron Anania
FBN. 5746

--

NOTICE OF CONFIDENTIALITY: This email, and any attachments thereto, is intended for use only by the addressee(s) named herein and may contain confidential information, legally privileged information and attorney-client work product. If you are not the intended recipient of this email, you are hereby notified that any dissemination, distribution or copying of this email, and any attachments thereto, is strictly prohibited. If you have received this email in error, please notify the sender by email, telephone or fax, and permanently delete the original and any printout thereof. Thank you. Law Offices of Ronald J. Anania, P.A., phone: [REDACTED]
[REDACTED] fax: [REDACTED], email: [REDACTED]

From: [Michele Bowman](#)
To: [RulesCommittee Secretary](#)
Subject: Suggestions regarding challenges faced during Covid
Date: Thursday, May 07, 2020 1:29:08 PM

To the Committee:

Thank you for the opportunity to comment on the issues I experienced in my practice during the pandemic. The greatest difficulty I encountered was trying to keep up and comply with the various orders regarding changing procedures and rules of each judge in the two federal districts I practice in, not to mention the trustees, who also seemed to have their own procedures. Added to that was the seemingly random timing with which such notices and orders were published. Examples include telephonic procedures for hearings and conferences, procedures for requesting adjournments, and procedures for submitting motions and other documents, and for contacting the court.

Next time the courts have to close physically, I would find it most helpful if there was a more centralized approach to adjournments, hearings, motions, and contacting the courts, instead of the complex web of approaches that practitioners were faced with navigating and keeping track of. Perhaps each district could have one set of procedures that all the judges, magistrates and trustees follow and require the lawyers before them to follow.

I understand that in normal times, judges have their own sets of procedures and having those is surely a closely guarded privilege of the bench; however, during a shutdown, the added chaos of trying to communicate with clients and our own firms, while we manage our dockets, made the individualized approach to procedures very stressful and difficult to keep track of.

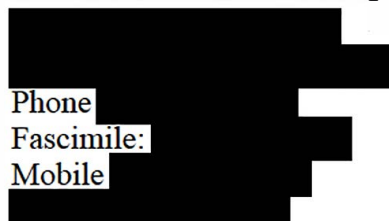
For those of us who practice before federal courts in multiple districts, and before multiple judges, magistrates and trustees within those districts, having a centralized, more organized approach to changes to procedures would be a welcome change and relief, should we have to face another shutdown in the future.

Thank you again for this opportunity.

Respectfully yours,

Michele M. Bowman, Esq.

The Yitzhak Law Group


Phone
Fascimile:
Mobile
[yitzhaklaw.com](http://www.yitzhaklaw.com)

This email message is for the sole use of the intended recipient(s) and may contain confidential and/or privileged information. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient(s) is prohibited. If you are not the intended recipient(s), please contact the sender by reply email or by telephone (516) 466-7144 and delete and destroy all copies of the material, including all copies stored in the recipient's computer, printed or saved to disk. If you are the intended recipient, please be advised that the content of this message is subject to access, review and disclosure by the sender's Email System Administrator.

IRS Circular 230 disclosure: To ensure compliance with requirements imposed by the IRS, we inform you that any U.S. federal tax advice contained in this communication (including any attachment) is not intended or written by us to be used, and cannot be used, (i) by any taxpayer for the purpose of avoiding tax penalties under the Internal Revenue Code or (ii) for promoting, marketing or recommending to another party any transaction or matter addressed herein.

Disclosure regarding the risks of receiving fraudulent wire information: Criminals/ hackers are targeting email accounts of various parties involved in real estate transactions,(ex, lawyers, title agents, mortgage brokers, real estate agents, ect.).Among other concerns this has led to fraudulent wire instructions being used to divert funds to criminal's bank accounts. These emails may look like legitimate emails from the proper party. Prior to wiring any funds to this firm, personally call and verify the account information with us (confirm ABA #, account # account name, bank address). When verifying information, only speak to a person with whom you know.

From: [MARSHA MAINES](#)
To: [RulesCommittee Secretary](#)
Subject: PUBLIC INPUT.
Date: Thursday, May 07, 2020 2:21:09 PM

the existing rules or in which the rules themselves interfered with practical solutions.

Congress has directed the Judicial Conference and the Supreme Court to consider such amendments

The Committee on Rules of Practice and Procedure and its five advisory committees invite public input on possible rule amendments that could ameliorate future national emergencies' effects on court operations

To AVOID "court" shutdowns in the future, all "court Cases" must provide a Truth in Lending Statement NAMING ALL PARTIES IN INTEREST to EACH of THE TRANSACTIONS in the buildings.

The Bill of Rights MUST be prominently displayed upon the Entrance of the building and all Court Rooms MUST be open to the public with a PUBLIC RECORDER OF THE RECORD as a SERVICE PROVIDER to the PUBLIC at no cost To the PUBLIC. Recording Devices are allowed by Parties in Interest NAMED in addition to the PUBLIC AT LARGE without interference by Public servant services providers/bailiff, sheriff, policy-code enforcement, or private security employee.

All Fees, Costs, penalties adjudicated in the "courts" or a building advertized as a "court" MUST DISCLOSE the Interested Parties of the Transaction and who BENEFITS from the alleged/charged Fee, Cost.

All Transactions between PUBLIC and PUBLIC remain PUBLIC. LEGAL NOTICE of the Private Transaction between THE PUBLIC AND PUBLIC NAMES, signed by the two parties of the subject matter, attached to their Individual Truth In Lending fee schedule, listing their "PUBLIC BENEFICIAL INTERESTS" (SMJ) is made a part of the PUBLIC RECORD - in the FORM - OF **AN AFFIDAVIT IN SUPPORT OF COMPLAINT.** The FIRST STEP in origination of a CASE IN THE PUBLIC, is The Affidavit. The Affidavit stands as Truth in Commerce unless rebutted point for point and therefore, MUST be FILED with the CLERK OF THE COURT, prior to CASE Number Assignment.

The AFFIDAVIT IN SUPPORT OF COMPLAINT, with its TIL, is a necessary accounting tool for the Clerk to manage the case Assignments to PUBLIC ADMINISTRATOR/MAGISTRATE/JUDGE and for the CLERK's Monthly REPORT TO TREASURY.

The CLERK OF THE COURT shall Appoint and ASSIGN CASES to PUBLIC COMMISSIONERS OF ACCOUNTS for CASE Administration and Due Process Checklist **Account-Liability**, after assigning a PUBLIC

ADMINISTRATOR/MAGISTRATE/JUDGE to each Case Number. Account-Liability Reports by the PUBLIC COMMISSIONERS for each (CASE+JUDGENAMEAssigned) shall be submitted monthly to TREASURY as Validation of the CLERKS' monthly Report to TREASURY of AFFIDAVIT-Assigned-Case-Judge-Appointment.-

Once a PUBLIC ADMINISTRATOR/MAGISTRATE/JUDGE is assigned a case number by the Clerk, that PUBLIC ADMINISTRATOR/MAGISTRATE/JUDGE must FINALIZE the Entire Transaction without Re-Assignment, unless requested by either of the PUBLIC Parties- In- Interest, or due to a verified conflict of interest. The CASE MANAGEMENT RECORD is the LIST of all Due Process checklist items with dates met, with date/time-stamp initialed by the two Private Parties in Interest, and the Administrator/Magistrate/Judge("Court") as WITNESS to the two Parties' Authorized Representative's seal.

All Transactions between Private Individuals (who shall AGREE IN WRITING with SIGNATURES and BONDS Presented) shall Choose and appoint their own Administrator/Magistrate from the Clerk's list of available Administrator/Magistrates.

The Private Individuals shall remain "in the private" throughout the Transactional Record (defined as a CASE); the CLERK OF THE COURT shall Assign all Private Cases with a "P" in front of the Case Number upon receipt of the AFFIDAVIT IN SUPPORT OF COMPLAINT and provide the Parties-In-Interest a List of available Administrators/Magistrates to choose from for CaseNumber- ACCOUNT- Assignment.

Only a RECORD of the DUE PROCESS and DUE PROCESS PROCEDURE-EVENTS (ie: Notices, Service of Process Record, TIL, prior administrative-remedy Record, Hearings, Pre-Trial Conferences, Mediation/Arbitration, the Record of Financial Interests between the Administrator/Magistrate/("Court") and any of the Courts' derivative servicers) is made PUBLIC RECORD.

The Private Parties' Agreement (final adjudication) the JURISDICTIONAL STATEMENT (cites the Venue, Subject Matter, PERSONAL)and the CERTIFICATE OF CASE MANAGEMENT RECORD are filed into the PUBLIC RECORD.

The CASE MANAGEMENT RECORD is the LIST of all Due Process checklist items with dates met, with date/time-stamp initialed by the two Private Parties in Interest, and the Administrator/Magistrate/Judge("Court") as WITNESS to the two Parties' Authorized Representative's seal.

For Private Individual CASES, there shall be only ONE PAPER RECORD and No Digital Records maintained by the Court except

the **CASE MANAGEMENT RECORD** (checklist with signatures by parties in interest) and the **CERTIFICATE OF CASE MANAGEMENT RECORD**.

FOR PUBLIC-PUBLIC Parties in Interest CASES, every single document, email, phone record, facsimile, photo, every single DATA ELEMENT RECEIVED by the CLERK OF THE COURT, shall be HELD by the Assigned COMMISSIONER OF ACCOUNTS for each Case File Record.

ALL PUBLIC-PUBLIC CASE FILE "INFORMATION", shall be HELD IN TRUST by the ASSIGNED COMMISSIONER OF ACCOUNTS and viewable to the PUBLIC without Fee to PUBLIC by an Individual Account Access upon proving Evidence of Authorization to VIEW THE CASE.

The COMMISSIONER OF ACCOUNTS shall be THE CASE ACCOUNT-LIABLE Party (Trustee) if the DATA is used by any derivative party not NAMED IN THE CASE FILE TRANSACTION or by any party not in possession of Evidence of "AUTHORIZED USE".

"AUTHORIZED USE" means :

a) the NAMED PARTY in the Case b) WITNESS NAMED IN the Case c) Power of Attorney d) Parent, Minor, Dependent of a NAMED PARTY or WITNESS NAMED in the Case e) Authorized Representative - of the ESTATE of the PUBLIC PARTY, of the NAMED PARTY, WITNESS IN the Case evidence HELD by the COMMISSIONER OF ACCOUNT.

The COMMISSIONER OF ACCOUNTS (Trustee reportable to TREASURY with Accounts-Liable) shall maintain a **PUBLIC DATABASE** of all PUBLIC CASES and all related DATA.

The CLERK OF THE COURT (Trustee reportable to TREASURY with Accounts-Liable) shall maintain a **COURT database** containing ALL CASES with Access to PUBLIC by simple Registration for access with verification by Paper Record Only. PUBLIC may access COURT database by providing PAPER with WET INK SIGNATURE to CLERK as the INSTRUMENT of AUTHORIZATION in Exchange for USERNAME and Temp Password Assignment. The COURT database shall contain ALL CASE MANAGEMENT RECORD (checklist with signatures by parties in interest) and the CERTIFICATE OF CASE MANAGEMENT RECORD. The COURT database shall NOT contain any of the INDIVIDUAL OR PUBLIC CASE DOCUMENTS, PHOTOS, EMAILS, FAX, DATA ELEMENTS "in" the Case File. That INFORMATION shall be the SOLE Responsibility and Liability of the COMMISSIONER OF ACCOUNTS.

MARSHA MAINES

Atque erat lux tota secum invicem

**LEGAL EDUCATION IS NOT LEGAL ADVICE
NOTICE TO PRINCIPAL IS NOTICE TO AGENT.
NOTICE TO AGENT IS NOTICE TO PRINCIPAL.**

From: [TSAR ALVARADO](#)
To: [RulesCommittee Secretary](#)
Subject: Rules ARE the Issue - RULES "for" the COURT - are not The People"s Rules.
Date: Thursday, May 07, 2020 2:22:47 PM

the existing rules or in which the rules themselves interfered with practical solutions.

Congress has directed the Judicial Conference and the Supreme Court to consider such amendments

The Committee on Rules of Practice and Procedure and its five advisory committees invite public input on possible rule amendments that could ameliorate future national emergencies' effects on court operations

To AVOID "court" shutdowns in the future, all "court Cases" must provide a Truth in Lending Statement NAMING ALL PARTIES IN INTEREST to EACH of THE TRANSACTIONS in the buildings.

The Bill of Rights MUST be prominently displayed upon the Entrance of the building and all Court Rooms MUST be open to the public with a PUBLIC RECORDER OF THE RECORD as a SERVICE PROVIDER to the PUBLIC at no cost To the PUBLIC. Recording Devices are allowed by Parties in Interest NAMED in addition to the PUBLIC AT LARGE without interference by Public servant services providers/bailiff, sheriff, policy-code enforcement, or private security employee.

All Fees, Costs, penalties adjudicated in the "courts" or a building advertized as a "court" MUST DISCLOSE the Interested Parties of the Transaction and who BENEFITS from the alleged/charged Fee, Cost.

All Transactions between PUBLIC and PUBLIC remain PUBLIC.

LEGAL NOTICE of the Private Transaction between THE PUBLIC AND PUBLIC NAMES, signed by the two parties of the subject matter, attached to their Individual Truth In Lending fee schedule, listing their "PUBLIC BENEFICIAL INTERESTS" (SMJ) is made a part of the PUBLIC RECORD - in the FORM - OF AN AFFIDAVIT IN SUPPORT OF COMPLAINT. The FIRST STEP in origination of a CASE IN THE PUBLIC, is The Affidavit. The Affidavit stands as Truth in Commerce unless rebutted point for point and therefore, MUST be FILED with the CLERK OF THE COURT, prior to CASE Number Assignment.

The AFFIDAVIT IN SUPPORT OF COMPLAINT, with its TIL, is a necessary accounting tool for the Clerk to manage the case Assignments to PUBLIC ADMINISTRATOR/MAGISTRATE/JUDGE and for the CLERK's Monthly REPORT TO TREASURY.

The CLERK OF THE COURT shall Appoint and ASSIGN CASES to PUBLIC COMMISSIONERS OF ACCOUNTS for CASE Administration and Due Process Checklist Account-Liability, after assigning a PUBLIC ADMINISTRATOR/MAGISTRATE/JUDGE to each Case Number. Account-Liability Reports by the PUBLIC COMMISSIONERS for each (CASE+JUDGENAMEAssigned) shall be submitted monthly to TREASURY as

Validation of the CLERKS' monthly Report to TREASURY of AFFIDAVIT- Assigned-Case-Judge-Appointment.-

Once a PUBLIC ADMINISTRATOR/MAGISTRATE/JUDGE is assigned a case number by the Clerk, that PUBLIC ADMINISTRATOR/MAGISTRATE/JUDGE must FINALIZE the Entire Transaction without Re-Assignment, unless requested by either of the PUBLIC Parties- In- Interest, or due to a verified conflict of interest. The CASE MANAGEMENT RECORD is the LIST of all Due Process checklist items with dates met, with date/time-stamp initialed by the two Private Parties in Interest, and the Administrator/Magistrate/Judge("Court") as WITNESS to the two Parties' Authorized Representative's seal.

All Transactions between Private Individuals (who shall AGREE IN WRITING with SIGNATURES and BONDS Presented) shall Choose and appoint their own Administrator/Magistrate from the Clerk's list of available Administrator/Magistrates.

The Private Individuals shall remain "in the private" throughout the Transactional Record (defined as a CASE); the CLERK OF THE COURT shall Assign all Private Cases with a "P" in front of the Case Number upon receipt of the AFFIDAVIT IN SUPPORT OF COMPLAINT and provide the Parties-In-Interest a List of available Administrators/Magistrates to choose from for CaseNumber- ACCOUNT- Assignment.

Only a RECORD of the DUE PROCESS and DUE PROCESS PROCEDURE-EVENTS (ie: Notices, Service of Process Record, TIL, prior administrative-remedy Record, Hearings, Pre-Trial Conferences, Mediation/Arbitration, the Record of Financial Interests between the Administrator/Magistrate/("Court") and any of the Courts' derivative servicers) is made PUBLIC RECORD.

The Private Parties' Agreement (final adjudication) the JURISDICTIONAL STATEMENT (cites the Venue, Subject Matter, PERSONAL)and the CERTIFICATE OF CASE MANAGEMENT RECORD are filed into the PUBLIC RECORD.

The CASE MANAGEMENT RECORD is the LIST of all Due Process checklist items with dates met, with date/time-stamp initialed by the two Private Parties in Interest, and the Administrator/Magistrate/Judge("Court") as WITNESS to the two Parties' Authorized Representative's seal.

For Private Individual CASES, there shall be only ONE PAPER RECORD and No Digital Records maintained by the Court except the CASE MANAGEMENT RECORD (checklist with signatures by parties in interest) and the CERTIFICATE OF CASE MANAGEMENT RECORD.

FOR PUBLIC-PUBLIC Parties in Interest CASES, every single document, email, phone record, facsimile, photo, every single DATA ELEMENT RECIEVED by the CLERK OF THE COURT, shall be HELD by the Assigned COMMISSIONER OF ACCOUNTS for each Case File Record.

All PUBLIC-PUBLIC CASE FILE "INFORMATION", shall be HELD IN TRUST by the ASSIGNED COMMISSIONER OF ACCOUNTS and viewable to the

PUBLIC without Fee to PUBLIC by an Individual Account Access upon proving Evidence of Authorization to VIEW THE CASE.

The COMMISSIONER OF ACCOUNTS shall be THE CASE ACCOUNT-LIABLE Party (Trustee) if the DATA is used by any derivative party not NAMED IN THE CASE FILE TRANSACTION or by any party not in possession of Evidence of "AUTHORIZED USE".

"AUTHORIZED USE" means :

a) the NAMED PARTY in the Case b) WITNESS NAMED IN the Case c) Power of Attorney d) Parent, Minor, Dependent of a NAMED PARTY or WITNESS NAMED in the Case e) Authorized Representative - of the ESTATE of the PUBLIC PARTY, of the NAMED PARTY, WITNESS IN the Case evidence HELD by the COMMISSIONER OF ACCOUNT.

The COMMISSIONER OF ACCOUNTS (Trustee reportable to TREASURY with Accounts-Liable) shall maintain a PUBLIC DATABASE of all PUBLIC CASES and all related DATA.

The CLERK OF THE COURT (Trustee reportable to TREASURY with Accounts-Liable) shall maintain a COURT database containing ALL CASES with Access to PUBLIC by simple Registration for access with verification by Paper Record Only. PUBLIC may access COURT database by providing PAPER with WET INK SIGNATURE to CLERK as the INSTRUMENT of AUTHORIZATION in Exchange for USERNAME and Temp Password Assignment. The COURT database shall contain ALL CASE MANAGEMENT RECORD (checklist with signatures by parties in interest) and the CERTIFICATE OF CASE MANAGEMENT RECORD. The COURT database shall NOT contain any of the INDIVIDUAL OR PUBLIC CASE DOCUMENTS, PHOTOS, EMAILS, FAX, DATA ELEMENTS "in" the Case File. That INFORMATION shall be the SOLE Responsibility and Liability of the COMMISSIONER OF ACCOUNTS.

:NOTICE TO PRINCIPAL IS NOTICE TO AGENT:

:NOTICE TO AGENT IS NOTICE TO PRINCIPAL:

Confidentiality/Privilege Notice: All communications, information and data contained in this electronic email transmission, and/or attached hereto, are deemed confidential, privileged and proprietary. They are not intended for transmission to, or receipt by, anyone other than the named addressee. They should not be copied, disclosed, or forwarded to any other persons, except by the intended addressee. If you are not the named addressee or believe you have received this electronic transmission in error, please reply and notify the sender and delete it from your system without copying, disclosing or forwarding it.

*****© L+R+ × % TM ©*****

Notice: this digital-email being transmitted through public-utilities-networks is being recorded-claimed a-lodial-sovereign: declaration-of-independence: patent-landmark = servicemark-trademark™ copyleft-copyright©. This communication is an order to LOCKHEED-MARTIN© to pay-debt: this communication is not a request-submission AND%OR is-not subject-matter-gift given to any et al D-U-N-S©-FARA = non-disclosed-agents. This-act is being video-audio-printed-documented-recorded within recorders-offices withstanding FIDUCIARY-orders to collect this debt-order. Notice too agent is-as notice too principal.

~M-Tsar©

20-GEN-09

From: [Rosemary N. Palmer](#)
To: [RulesCommittee Secretary](#)
Subject: Comments on emergency court operations
Date: Thursday, May 07, 2020 3:41:42 PM

Dear Rules Committee

While Pacer should never charge, charging during emergencies when you have no access to libraries or other ways to get information about court cases is even more wrong.

Is there a way to set up immediate review of early release motions for those who are at risk automatically? At this point, the only people who can use the courts to do that are the wealthy, who have each other's home phone number and access to unusual channels.

Emergencies stress everyone. Why shouldn't everyone who wants to record such proceedings (in truth, there is rarely any valid reason for prohibiting it, and lots of clients and attorneys stress levels probably qualify them for 504 accommodations to do this anyway. Why can't anyone who wants to record proceedings, so long as how they do it doesn't disrupt the work of the court?

Rosemary N. Palmer
Attorney at Law



From: [Valery Klaw](#)
To: [RulesCommittee Secretary](#)
Cc: [Valery Klaw](#)
Subject: Suggestion for Courts
Date: Thursday, May 07, 2020 6:14:52 PM

During this oft-times tragic pandemic, many have suffered under the threat of losing life, limb, shelter, security, health or even their loved ones. I would ask the Courts to consider these factors now as bad actors have definitely taken advantage of the processes that a civilization respecting liberty and the sanctity of human life - including due process - demands. Whether it be an ex parte or a class-action lawsuit there should be a way given the framework of the justice system to give a chance perhaps by extensions of deadlines or even by new judicial appointments to hear multiple points of view and uphold the "and justice for all" in light of so many recent events, especially when there are so many injured. Ms. Valery Klaw

20-GEN-11

From: [Buck Maker](#)
To: [RulesCommittee Secretary](#)
Subject: emergency rules
Date: Monday, May 11, 2020 8:17:35 AM

Rather than use the pandemic to make access to courts more restricted than it is now, you might make it more open by allowing all plaintiffs to file electronically, without favor of lawyers, or fear of the pro se, especially, who are routinely, treated like “trash” in the notorious words of your former Justice Posner.

Sent from [Mail](#) for Windows 10

From: Colleen Thomas [REDACTED]
Sent: Tuesday, May 19, 2020 3:46 PM
To: RulesCommittee Secretary
Subject: Pandemic Rules Suggestions

Your request included addressing issues in State Court, but some address both Federal and State Court.

1. The Rules of Procedure should allow for automatic requests by attorneys or pro se litigants to be made by motion for remote hearings when the courts are closed except for emergency matters. One should be able to file a Notice of Motion and a Motion requesting a hearing via CourtCall or Zoom or other virtual meeting software in order to keep cases continuing to move forward. One should also be able to file the same for a status call. In the alternative, litigants and attorneys should be able to file Notices and Motions and the clerk's office, when filing the same, can send back a call in number and ID for a CourtCall appearance or a link for a zoom or other electronic appearance. The same for filing summons for new cases. This should all be in place and be automatic upon shutdown. Where there are pro se litigants, they can receive notice of the call in information/zoom link via U.S. mail as they would receive notice of any other motion, or the information can be included on the summons when they are served. While judges may refrain from entering judgments or enforcing payments, the court proceedings should still continue.
2. Remote court appearances need to be staggered and not all on a 9:00 a.m. court call for an hour or two. Attorneys have multiple cases. They need to be able to appear in different court rooms on the same date. If cases are set in 5 or 10 minute increments, attorneys can appear via CourtCall or Zoom or other remote appearance in separate 5 or 10 minute time slots. If there is overlap, then the attorney should be able to request one slot be changed by communication with the clerk's office. When attorneys have more than one case on the call, then all of the cases should be called consecutively.
3. When the courts are shut down, attorneys and pro se litigants should be able to submit proposed orders either through the clerk's office or efile as proposed orders even when they are not agreed. Then, in lieu of appearing on a particular court date, the judge will have the order and can enter it on the designated date if the opposing party does not appear or continue the matter if the opposing party does appear and order the appearing party to reach out to the other side to enter an agreed order on the future date. This comes into play the most when there is a pro se defendant who has just been served the first time in a case. This allows for not requiring both sides to appear in court, remotely or otherwise, and limits the number of people in court.

Thank you for reaching out for suggestions. I hope this was helpful.

Colleen G. Thomas
Thomas Law Office

[REDACTED]
[REDACTED]
[REDACTED]
FAX [REDACTED]

www.CGTLaw.com

This email contains PRIVILEGED AND CONFIDENTIAL INFORMATION intended only for the use of the addressee above. If you are not the intended recipient of this email, or the employee or agent

responsible for delivering it to the intended recipient, you are hereby notified that any dissemination or copying of this email is strictly prohibited. If you have received this email in error, please immediately notify me by telephone and delete this message.



Plattner Verderame PC

Richard S. Plattner *
 Frank Verderame *
 Randall A. Hirsch *
 Nick Verderame
 Leroy W. Hoffman * (Retired)
 Daniel R. Salcito (1940-2010)

STREET ADDRESS:

SENDER'S E-MAIL:

May 20, 2020

Rebecca A. Womeldorf
 Secretary, Committee on Rules of Practice and Procedure
 Administrative Office of the United States Courts
 One Columbus Circle, NE
 Washington, DC 20544

Re: Possible Emergency Procedures

Dear Secretary Womeldorf:

Plattner Verderame is an Arizona firm, based in Phoenix. We are in our 30th year together. Our practice is, and has always been, litigation-focused. The firm has seen changing technology alter litigation over the years – sometimes for better and sometimes for worse. Today, our staff is a mix of young and experienced, and we are focusing on the ways technology can help us better represent our clients, both internally and during litigation. We see the value of looking forward and planning for when technology can help, when technology should be left out of the way, and perhaps most importantly to this comment, when and how technology can help parties and the court keep the pursuit of justice moving efficiently and fairly.

We think it is important for an Emergency Situation Rule to consider how future pandemics or other public crises can best be managed. It is our opinion that there is no need to make drastic changes with this Rule. Rather, this Rule should reflect what “the new normal” has taught us about how litigation can securely move forward with modern technology even in the face of social distancing. Most importantly, the Rule should help prevent ruthless parties from using crises as weapons to delay, distract, or hinder the prompt, efficient pursuit of resolving conflicts justly.

In good times and bad, a small percentage of ruthless practitioners are the reason why most rules and enforcement mechanisms are required. Some of those ruthless practitioners are playing their usual games to seek unfair advantage from the COVID-19 pandemic, refusing to use available technology as an excuse to indefinitely delay cases from reaching closure. If this conduct is allowed to continue, court calendars will face huge backlogs even after the pandemic passes, and in many cases will force unjust outcomes because of the resulting expense and delay. Moreover, the Courts are being burdened with motion practice by parties who simply want to move their cases forward to beg for judicial intercession to make the other party to follow Rule One – the economical and prompt resolution of cases.

Emergency Situation Rules need to be explicitly clear that using technology for remote depositions, hearings, and oral arguments are not only permitted, but may be unilaterally invoked by the court or any party. A party that feels a remote procedure is unfair should bear the burden of seeking the court's protection. Internet video capabilities work well and securely, and it should be made clear in the rules that (a) they are acceptable; (b) during emergencies they may be required and no extensions should be given just because one party prefers proceedings in person, and (c) if a Court chooses to allow attorneys to attend a hearing or deposition in person, they should also be given the option to attend remotely.

We also suggest including in the Rule a requirement that, where practicable, local courthouses provide space with internet access for witnesses who lack stable internet access or a quiet, private environment, can go to provide remote testimony. The rooms, of course, would need to take the precautions necessary (such as being kept sanitized, empty when unused, etc), and should be free of charge for use.

The Rules should also allow for all filings to be made electronically, and for service on all parties or counsel who have appeared in the case to be electronic (either email or through a court-contracted vendor). They should specifically allow for e-signatures and electronic and video notarization.

Finally, it is of the utmost important that times of emergency are not used to cloak the Courthouse in darkness. All filings, hearings, testimony, and trials must remain open to the public, including the media, with rare exceptions (trade secrets, identity of minors and other vulnerable parties, personal identifying information such as credit card, Social Security, or telephone numbers, etc). These specific protections should be clearly stated in the Rule to minimize motion practice and make those who choose to be purposely obtuse subject to deterrence.

Cordially,

PLATTNER VERDERAME, PC

/s *Frank Verderame*
Frank Verderame

/s *Richard S. Plattner*
Richard S. Plattner

/s *Nicholas A. Verderame*
Nicholas A. Verderame

/s *Randall A. Hinsch*
Randall A. Hinsch

From: Nick Verderame [REDACTED]
Sent: Tuesday, May 19, 2020 2:50 PM
To: RulesCommittee Secretary
Subject: Proposed Emergency Rule Comment
Attachments: Emergency Rule Comment.docx

Please see attached.

Thank you,
Nick Verderame

Nick Verderame

[REDACTED]
[REDACTED] Office
[REDACTED]



Shelly Cox

From: Will Nefzger [REDACTED]
Sent: Thursday, May 14, 2020 6:27 PM
To: RulesCommittee Secretary
Subject: Rule Modification During an Emergency

In general, the biggest frustration during the current emergency has been the delay of cases because many of the normal practices (attending depositions in-person, attending mediations or settlement conferences in-person, etc.) have been thwarted. So, any modifications that set out a process for the continuation of litigation when in-person attendance at some event (deposition, hearing, mediation/settlement conference, etc.) are necessary. And the process must include safeguards to prevent one side from using the emergency for delay. In short, this requires the use of technology (teleconferencing) and the rules should require the use of technology if in-person attendance is not possible.

William D. Nefzger | Attorney

Justice. Delivered.



BAHE COOK CANTLEY
& NEFZGER PLC

[REDACTED]
[REDACTED] [t] [REDACTED] [f] [REDACTED] www.kentuckyinjurylaw.com

NOTICE: This message is intended only for the addressee and may contain information that is privileged, confidential and/or attorney work product. If you are not the intended recipient, do not read, copy, retain or disseminate this message or any attachment. If you have received this message in error, please call the sender immediately at (502) 587-2002 and delete all copies of the message and any attachment. Neither the transmission of this message or any attachment, nor any error in transmission or misdelivery shall constitute waiver of any applicable legal privilege.

From: Andrew Straw
To: RulesCommittee Secretary
Subject: Re: COVID-19 and US Courts Rule Changes
Date: Monday, June 01, 2020 9:41:32 AM

I would add that PACER has been charging people for documents that are FREE. Namely, court orders. This is fraud on the public and all users of PACER. Every single time a free document is the basis for a charge, no matter how small, a criminal act has been committed.

PACER MUST BE FREE TO EVERYONE because its hierarchy is defrauding the public.

PACER and CM/ECF need to be free and as easy to use and accessible as the door at the front of a courthouse.

There are too many barriers and no reason for them except violating the First Amendment right to use the courts, with no quotas.

Sincerely,



Andrew U. D. Straw, Esq. (Virginia)

[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

Mobile Phone:

[Redacted]

<http://www.andrewstraw.com>

<http://links.andrewstraw.com>



**NEW YORK
CITY BAR**

CONTACT
POLICY DEPARTMENT
ELIZABETH KOCIENDA
[REDACTED]
MARY MARGULIS-OHNUMA
[REDACTED]

REPORT BY THE FEDERAL COURTS COMMITTEE

**COMMENTS ON POSSIBLE EMERGENCY PROCEDURES PROPOSED BY THE
JUDICIAL CONFERENCE'S COMMITTEE ON RULES OF PRACTICE AND
PROCEDURE THAT COULD AMELIORATE FUTURE
NATIONAL EMERGENCIES' EFFECTS ON COURT OPERATIONS**

The New York City Bar Association (“City Bar”) greatly appreciates the opportunity for public comment provided by the Judicial Conference’s Committee on Rules of Practice and Procedure (the “Committee”) on the subject of possible rule amendments that could ameliorate future national emergencies’ effects on court operations.

The City Bar, founded in 1870, has over 24,000 members practicing throughout the nation and in more than fifty foreign jurisdictions. The City Bar includes among its membership many lawyers in virtually every area of law practice, including lawyers generally representing plaintiffs and those generally representing defendants; lawyers in large firms, in small firms, and in solo practice; and lawyers in private practice, government service, public defender organizations, and in-house counsel at corporations. The City Bar’s Committee on Federal Courts (the “Federal Courts Committee”) is charged with responsibility for studying and making recommendations regarding proposed amendments to the Federal Rules. The Federal Courts Committee respectfully submits the following comments on the subject of the request for input on possible emergency procedures.

On balance, the City Bar has been impressed with the speed and flexibility with which the federal courts have adapted to the conditions forced upon judges and court personnel by the COVID-19 crisis. The use of electronic filing and remote court conferences by video and telephone have allowed cases to proceed as much as possible despite the unavailability of in-person proceedings. To a considerable extent, these proceedings have taken advantage of the fact that the Federal Rules of Civil Procedure afford discretion to the judges to fashion proceedings that advance the goal of a “just, speedy, and inexpensive determination of every action and proceeding.” Fed. R. Civ. P. 1. While protective of the constitutional rights of the accused in criminal cases during the COVID-19 crisis, courts in both civil and criminal cases have nevertheless made recourse to the use of technology to maintain some of the ongoing work of the federal courts during this time.

We offer the following suggestions as areas for possible rulemaking in light of what we have observed during the past several weeks. We do not propose specific rule amendments, and some of these proposals may be better taken as suggestions for clarification of existing rules in

order to make express what already may be implicit. We hope that these suggestions are useful to the Committee:

- Remote proceedings: The federal rules should be amended to make clear that, upon the declaration of a public health emergency by federal, state or local officials, the chief judge in a particular district court or circuit court can shift from in-person court appearances to remote proceedings. The courts should permit those proceedings to be conducted on video or by telephone. In order to make such proceedings effective and open to the public, the judiciary should license software that meets the following requirements: (i) the judge and court staff have the ability to allow participants to speak or to mute them, as appropriate; (ii) each speaker can be identified; (iii) court appearances can be recorded on audio in case the court reporter loses their connection to the proceeding; (iv) members of the public can listen to the proceedings, in order to protect the right of access to court proceedings; and (v) to the extent necessary, Federal Rule of Criminal Procedure 53 should be amended to make clear that such remote proceedings are not considered “the broadcasting of judicial procedures from the courtroom.” We also suggest that the courts consider encouraging the routine use of remote proceedings in civil cases even outside of a public health emergency, particularly where more efficient scheduling is possible or cost savings can be achieved and the need for an in-person appearance is minimal (such as a pretrial conference to discuss the status of civil discovery).
- Automatic and global extensions of time: In the immediate aftermath of the COVID-19 crisis, on March 16, 2020, the U.S. Court of Appeals for the Second Circuit issued a general extension of time of 21 days for all cases that had deadlines between the date of the order and May 17, 2020. This extension of time accomplished two ends. First, it made sure that lawyers and clients who were dealing with the business and personal exigencies created by the public health crisis would have the time necessary to complete their briefs. Second, it also ensured that, with a modest delay, appeals would continue to be briefed and cases moved along in the appellate process. The Court also gave discretion to individual panels to direct the parties to follow a different schedule as deemed necessary in a specific case. While extensions of time are already permitted, this approach should be formalized, giving chief judges the option of adjourning all dates by three weeks (or more, as appropriate) in the Courts of Appeals and the District Courts in the event of a public health emergency, except to the extent that such would be contrary to the constitutional rights of the accused in criminal proceedings or as appropriate for the particular exigencies of a given case (for example, a motion for a preliminary injunction or temporary restraining order).
- Electronic filing and service of all papers: One of the key elements that allowed federal courts to continue their business during the COVID-19 crisis was the use of electronic filing and service of papers. The federal rules are generally supportive of service of court filings by ECF, see Fed. R. Civ. P. 5(b)(2)(E), but not all important litigation papers are filed in court. For example, discovery objections, interrogatory responses, and notices of deposition are not filed in court and therefore cannot be sent to opposing counsel by email without the consent of counsel. See *id.* The rule should be modified

to permit service of all papers by email to opposing counsel using whatever email address that the recipient uses for their ECF filings. There are reasons to require consent from pro se litigants, who may be less accustomed to the court rules, but counsel of record should be required to accept all papers by email after the inception of a case. There is no reason to limit this proposed procedure to emergencies.

- Criminal defendants' choice of remote proceedings: Federal Rule of Criminal Procedure 43 requires the defendant's presence at most critical stages: initial appearance, arraignment, plea, trial and sentencing. These are waivable rights, however, and courts should facilitate virtual proceedings for those defendants who wish to plead guilty or be sentenced without making an in-person court appearance, due to a public health emergency. Rule 43 should be amended to allow courts to provide this option to defendants so long as the proceedings permit them to proceed knowingly and intelligently with their case and with the assistance of counsel. We do not, however, recommend requiring that defendants participate in such proceedings by remote means. Important interests of notice and advocacy are often served by conducting such proceedings in person, even if it results in some delay.

We thank the Committee for considering these suggestions and we look forward to providing comments on any amendments that are proposed in the future.



Federal Courts Committee
Harry Sandick, Chair

From: [Elizabeth Kocienda](#)
To: [RulesCommittee Secretary](#)
Subject: Input on Possible Emergency Procedures
Date: Monday, June 01, 2020 11:11:03 AM
Attachments: [image001.png](#)
[2020718-NatlEmergenciesCourtOperations.pdf](#)

Good morning,

On behalf of the Federal Courts Committee of the New York City Bar Association, attached please find comments on possible rule amendments that could ameliorate future national emergencies' effects on court operations.

Thank you for your consideration,

 **Elizabeth Kocienda**, Director of Advocacy
New York City Bar Association | 
www.nycbar.org/150
[Twitter](#) | [Facebook](#) | [Instagram](#) | [LinkedIn](#)

June 1, 2020

Rebecca A. Womeldorf, Secretary
Committee on Rules of Practice and Procedure
United States Judicial Conference
One Columbus Circle, NE
Washington, D.C. 20544

Via email: RulesCommittee_Secretary@ao.uscourts.gov

Re: Invitation for Comment on Emergency Rulemaking

Dear Ms. Womeldorf:

The Reporters Committee for Freedom of the Press (the “Reporters Committee”) writes in response to the Judicial Conference’s request for public input on possible rule amendments that could ameliorate the effects of future national emergencies on court operations.

The Reporters Committee has long championed the public’s constitutional and common law rights of access to judicial records and proceedings, and has been monitoring the response of state and federal courts around the country to the current public health crisis.¹ The Reporters Committee appreciates the opportunity to provide input to the Committee on Rules of Practice and Procedure and its advisory committees as they consider whether rule amendments are needed to deal with future emergencies, in accordance with the Coronavirus Aid, Relief, and Economic Security Act (CARES Act).

I. Public access to judicial proceedings and court records in civil and criminal matters is no less vital in times of national crisis.

Courts have long recognized the central importance of openness to our justice system. Though “[j]udges deliberate in private,” they “issue public decisions after public arguments based on public records.” *In re Krynicki*, 983 F.2d 74, 74 (7th Cir. 1992). The presumption that court records and proceedings will be open, among other things, “enhances the quality and safeguards the integrity of the factfinding process,” “fosters an appearance of fairness,” and allows “the public to participate in and serve as a check upon the judicial process—an essential component in our structure of self-government.” *Globe Newspaper Co. v. Superior Court*, 457 U.S. 596, 606 (1982) (citations and internal quotation marks omitted); *see also*

¹ *RCFP State and Federal Court Responses to COVID-19_From the Reporters Committee for Freedom of the Press* (www.rcfp.org/covid19), Reporters Committee for Freedom of the Press, <https://bit.ly/3dNQSJQ> (last visited June 1, 2020) (collecting standing orders from all federal courts).

www.rcfp.org

Bruce D. Brown
Executive Director

STEERING COMMITTEE

STEPHEN J. ADLER
Reuters

J. SCOTT APPLEWHITE
The Associated Press

WOLF BLITZER
CNN

DAVID BOARDMAN
Temple University

THEODORE J. BOUTROUS JR.
Gibson, Dunn & Crutcher LLP

MASSIMO CALABRESI
Time Magazine

MANNY GARCIA
Pro Publica

EMILIO GARCIA-RUIZ
The Washington Post

JOSH GERSTEIN
POLITICO

ALEX GIBNEY
Jigsaw Productions

SUSAN GOLDBERG
National Geographic

JAMES GRIMALDI
The Wall Street Journal

LAURA HANDMAN
Davis Wright Tremaine

DIEGO IBARGÜEN
Hearst

KAREN KAISER
The Associated Press

DAVID LAUTER
Los Angeles Times

MARGARET LOW
WBUR

JANE MAYER
The New Yorker

COLLEEN MCCAIN NELSON
The McClatchy Company

MAGGIE MULVIHILL
Boston University

JAMES NEFF
The Philadelphia Inquirer

NORMAN PEARLSTINE
The Los Angeles Times

THOMAS C. RUBIN
Stanford Law School

CHARLIE SAVAGE
The New York Times

JENNIFER SONDAG
Bloomberg News

NABIHA SYED
The Markup

ADAM SYMSON
The E.W. Scripps Company

PIERRE THOMAS
ABC News

SAUNDRA TORRY
Freelance

VICKIE WALTON-JAMES
NPR

JUDY WOODRUFF
PBS/The NewsHour

HONORARY LEADERSHIP COUNCIL

CHIP BOK
Creators Syndicate

TONY MAURO
American Lawyer Media, ret.

DAHLIA LITHWICK
State

ANDREA MITCHELL
NBC News

CAROL ROSENBERG
The New York Times

PAUL STEIGER
ProPublica

Sheppard v. Maxwell, 384 U.S. 333, 349 (1966) (noting that secrecy breeds “distrust” of the judicial system). Public oversight has long been understood to be a foundational feature of our criminal justice system, in particular. See *Waller v. Georgia*, 467 U.S. 39, 47 (1984) (Sixth Amendment right of accused to a public trial). As the Supreme Court has recognized, “without the freedom to attend [criminal] trials . . . important aspects of freedom of speech and ‘of the press could be eviscerated.’” See *Richmond Newspapers, Inc.*, 448 U.S. at 580 (quoting *Branzburg v. Hayes*, 408 U.S. 665, 681 (1972)).

By attending judicial proceedings and reporting on civil and criminal matters, the press plays a key role in ensuring “an informed and enlightened public opinion,” *Grosjean v. Am. Press Co.*, 297 U.S. 233, 247 (1936), an essential component of a healthy democracy, see *Minneapolis Star & Tribune Co. v. Minn. Comm’r of Revenue*, 460 U.S. 575, 585 (1983). The public relies on the press to “observe at first hand the operations of [] government” and report on them. See *Cox Broad. Corp. v. Cohn*, 420 U.S. 469, 491 (1975). With respect to the work of the judicial branch, journalists serve as “surrogates for the public,” whose members may not have the time or resources to attend court proceedings or review court records in matters in which they have an interest. See *Richmond Newspapers, Inc.*, 448 U.S. at 573. Access to judicial proceedings and court records is necessary for the press to fulfill its constitutionally recognized mission to inform the public and contribute to “public understanding of the rule of law and to comprehension of the functioning of the entire criminal justice system.” *Neb. Press Ass’n v. Stuart*, 427 U.S. 539, 587 (1976) (Brennan, J., concurring).

The presumptive right of members of the press and the public to attend and observe judicial proceedings is secured by both the First Amendment and common law. The Supreme Court has long recognized a qualified right of public access to criminal proceedings in a variety of contexts that is rooted in the First Amendment. See *Press-Enter. Co. v. Superior Court*, 478 U.S. 1, 10 (1986) (preliminary hearings); *Press-Enter. Co. v. Superior Court*, 464 U.S. 501, 508–510 (1984) (*voir dire*); *Richmond Newspapers, Inc. v. Virginia*, 448 U.S. 555, 580 (1980) (criminal trials). A number of federal appellate courts have similarly recognized a qualified constitutional right of access to civil trials and proceedings, as well as court records in both civil and criminal matters. See, e.g., *N.Y. Civil Liberties Union v. N.Y. City Transit Auth.*, 684 F.3d 286, 298, 298 n.9 (2d Cir. 2012) (collecting cases from several circuits and noting that “six of the eight sitting Justices in *Richmond Newspapers* clearly implied that the right applies to civil cases as well as criminal ones” (internal quotation marks omitted)); see also *Courthouse News Servs. v. Planet*, 947 F.3d 581, 594 (9th Cir. 2020) (holding that the First Amendment guarantees the public “a right to timely access” newly filed civil complaints); *Doe v. Public Citizen*, 749 F.3d 246, 269 (4th Cir. 2014) (holding that the First Amendment right of access applies to civil docket sheets, memorandum opinions ruling on motions for summary judgment, and the materials relied on by the court in issuing such rulings). The common law also guarantees the public “a general right to inspect and copy public

records and documents, including judicial records and documents.” *Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 597 (1978).

Press and public access to judicial proceedings and court records is no less important during times of national crisis. To the contrary, at such times, visibility into the operations of government, including the judiciary, is all the more crucial. As discussed in Part II below, in response to the ongoing COVID-19 pandemic, federal courts have taken laudable steps to facilitate remote public access to judicial proceedings. As the Committee on Rules of Practice and Procedure and its advisory committees consider possible rule amendments to address future emergencies, the Reporters Committee urges continued attention to ensuring that the public’s ability to meaningfully observe proceedings in civil and criminal matters is not curtailed due to restrictions on physical access to courthouses in future times of crisis, and that the advances toward greater transparency made during the COVID-19 pandemic are not undone.

II. Public access to judicial proceedings during the COVID-19 pandemic.

In response to the ongoing COVID-19 pandemic, many judicial proceedings typically held in open court have been held remotely—either telephonically or via video conference. To facilitate public access to such proceedings, the Judicial Conference temporarily authorized the use of teleconferencing to provide the press and public audio access to certain civil and criminal proceedings. *See Judiciary Authorizes Video/Audio Access During COVID-19 Pandemic*, United States Courts (Mar. 31, 2020), <https://perma.cc/7HAG-L2FB> (the “March 31 Press Release”); *Judiciary Provides Public, Media Access to Electronic Court Proceedings*, United States Courts (Apr. 3, 2020), <https://perma.cc/VM68-R6N7> (the “April 3 Press Release”). This authorization followed the March 27 enactment of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Section 15002 of which permitted the chief judges of district courts to authorize videoconferencing or teleconferencing for certain criminal proceedings under certain circumstances and with the consent of the defendant. In its March 31 Press Release, the Judicial Conference reported:

The Executive Committee of the Judicial Conference, acting on an expedited basis on behalf of the Conference, on March 29 approved a temporary exception to the Conference broadcast/cameras policy to allow a judge to authorize the use of teleconferencing to provide the public and media audio access to court proceedings. This exception may be applied when public access to the federal courthouse is restricted due to health and safety concerns during the COVID-19 pandemic, and the authorization will expire when the Judicial Conference finds that emergency conditions are no longer materially affecting the functioning of federal courts.

See March 31 Press Release. Beyond this temporary exception to the Judicial Conference’s broadcast/cameras policy, *History of Cameras in Courts*, United States Courts, <https://perma.cc/HM4A-35F9> (last visited June 1, 2020), on April 3, the Judicial Conference announced an expansion of that authorization “to permit courts to include the

usual participants and observers of such proceedings by remote access” in certain criminal proceedings, while maintaining that “Federal Rule of Criminal Procedure 53 continues to prohibit broadcasting of court proceedings generally, such as through live streaming on the internet.” *See* April 3 Press Release.

Courts and judges across the country relied on that guidance to hold remote proceedings with media and public in attendance and have implemented the policy in different ways.

Several judges have affirmatively provided public access to proceedings in which the public interest is evident. For example, Judge Preska of the U.S. District Court for the Southern District of New York directed the parties in a civil litigation matter to file the dial-in information for a telephonic hearing on the public docket. *See Giuffre v. Maxwell*, 1:15-cv-07433-LAP, ECF No. 1039 (S.D.N.Y. Mar. 30, 2020); ECF No. 1041 (S.D.N.Y. Mar. 30, 2020) (listing dial-in information). Similarly, Judge Boasberg of the U.S. District Court for the District of Columbia granted requests by reporters to listen to a telephonic hearing related to a coronavirus lawsuit and provided members of the news media with dial-in access. *See* Ann E. Marimow, *Federal Courts Shuttered by Coronavirus Can Hold Hearings by Video and Teleconference in Criminal Cases*, Wash. Post (Mar. 31, 2020, 5:59 PM), <https://wapo.st/2X1rg6w>.

A number of courts have taken a universal approach to providing remote access for the news media and public. As Chief Judge Howell of the U.S. District Court for the District of Columbia stated, her court “is committed to providing the public and the media with access to public court proceedings, including those held by video or teleconference.” *See id.* Many other district courts have made similar commitments, implementing policies requiring that all remote proceedings be made available to the public. *See, e.g., MGO 20-13 Suspension of Court Proceedings Effective May 1, 2020*, U.S. District Court District of Alaska (Apr. 21, 2020), <https://perma.cc/YM2L-NQ98> (providing that a toll-free conference line will be publicly available for civil and criminal proceedings); *In re: Public and Media Access to Judicial Proceedings During COVID-19 Pandemic*, U.S. District Court District of Columbia (Apr. 8, 2020), <https://perma.cc/F99Q-5RTA> (providing that video and audio access to judicial proceedings will be available for the public); *Notice Regarding Public Access to Telephonic Hearings During COVID-19 Outbreak*, U.S. District Court Eastern District of Wisconsin, <https://perma.cc/98CR-TN7M> (last visited June 1, 2020).

State courts too have taken steps to facilitate public access to remote proceedings in response to the COVID-19 pandemic. For example, in Texas, for any judicial proceeding held outside its normal venue courts must provide “reasonable notice and access to the participants and the public.” *Background and Legal Standards—Public Right to Access to Remote Hearings During COVID-19 Pandemic*, State of Texas Office of Court Administration, <https://perma.cc/X8RQ-3ES9>.

As a result of these efforts guided by the Judicial Conference, including its temporary exception to its broadcast/cameras policy, members of the press and public

have been able to continue to observe judicial proceedings even in the face of physical restrictions on access to courtrooms themselves. Remote access has been critical to ensuring the news media's ability to effectively report on matters of public concern, including judicial matters directly connected to this national crisis. For instance, news organizations across the country have been reporting on federal lawsuits arising from COVID-19 outbreaks in jails and prisons. *See* Michael Balsamo & Michael R. Sisak, *Federal Prisons Struggle to Combat Growing COVID-19 Fears*, Associated Press (Mar. 27, 2020), <https://perma.cc/FHA7-LDTN?type=image>; Timothy Williams et al., *'Jails Are Petri Dishes': Inmates Freed as the Virus Spreads Behind Bars*, N.Y. Times (Mar. 30, 2020), <https://perma.cc/R2N5-FHSE>. Public access to hearings and other proceedings in those matters has provided invaluable insight into how government operates. *See* Shannon Dooling, *As Nurse Tests Positive, Judge Looks For Ways To Release Some ICE Detainees At Bristol County Jail*, WBUR News (Apr. 2, 2020), <https://perma.cc/39JQ-57Q5>; Amy Beth Hanson, *Rights Group Asks Justices to Release Inmates over COVID-19*, Associated Press (Apr. 1, 2020), <https://perma.cc/NU33-6WDY>; Patricia Hurtado, *Federal Jails Are Covid-Free, U.S. Says at Murder Bail Hearing*, Bloomberg (Mar. 17, 2020, 3:52 PM), <https://perma.cc/FD5Z-GZVZ>; Tulsi Kamath, *Harris County Judge Says She Will Sign Order to Release About 1K Inmates from County Jail Amid Coronavirus Crisis*, Click2Houston (Mar. 31, 2020, 3:55 PM), <https://perma.cc/H7G7-6QZS>.

To ensure meaningful public access, public notice of when remote proceedings will take place and how members of the public can observe them is crucial. Courts have been inconsistent in this respect during the COVID-19 pandemic. Many district court policies now make clear that presiding judges should provide a publicly accessible link to remote hearings and other proceedings on the docket for the relevant matter, or upon request. Other courts have posted links to remote proceedings on their websites—an approach that has the advantage of reaching a broader swath of the public, as it does not require a PACER account to access. Unfortunately, however, during the pandemic, some members of the press have reported difficulty in obtaining information about when certain proceedings were taking place, or have been required to request access to proceedings on a case-by-case basis. This uncertain terrain poses challenges for journalists and other members of the public attempting to observe specific court proceedings that, absent COVID-19 restrictions, they would have been able to attend in person.

III. Recommendations for future rules amendments and guidance.

The Reporters Committee urges the Judicial Conference to consider rules amendments and guidance that would permanently remove barriers for the broadcast or streaming of both civil and criminal proceedings. It should also make clear that when a proceeding that would normally be held in open court must be held remotely due to some national emergency, courts must provide meaningful notice of such proceeding and a means for members of the public to observe it.

In response to the COVID-19 pandemic, the Judicial Conference temporarily authorized courts to provide the public and members of the news media access to remote teleconferences in certain proceedings. The Reporters Committee urges the Judicial Conference to permanently authorize courts to broadcast or stream their proceedings in both civil and criminal matters, by considering amending Federal Rule of Criminal Procedure 53 and revising or eliminating any contrary policy, including its Cameras in the Courtroom policy.² See *History of Cameras in Courts*, United States Courts, <https://perma.cc/HM4A-35F9> (last visited June 1, 2020). At least one federal appellate court gave the Judicial Conference’s policy against broadcasting civil proceedings “substantial weight” in holding that local rules did not permit a federal district court judge to allow broadcasting of proceedings in a specific civil case. See *In re Sony BMG Music Entm’t*, 564 F.3d 1, 6–7 (1st Cir. 2009) (noting that Judicial Conference policies are “not lightly to be discounted, disregarded, or dismissed”). Permanent authorization would remove this hurdle, allowing district courts to quickly adapt to any future emergency necessitating remote proceedings, experiment with finding the best technological means for broadcasting or streaming proceedings, and simultaneously realize many of the benefits to public access that have been highlighted by the Judicial Conference’s recent temporary authorization.

The benefits of broadcasting or streaming judicial proceedings cannot be overstated. It enables *all* members of the public—regardless of whether they are able to physically enter a courtroom—to observe the important work of the judiciary in real-time, contributing to creating the informed citizenry necessary to a healthy democracy. See *Minneapolis Star & Tribune Co.*, 460 U.S. at 585 (“[A]n informed public is the essence of working democracy.”); *Int’l News Servs. v. Associated Press*, 248 U.S. 215, 235 (1918) (“The peculiar value of news is in the spreading of it while it is fresh.”). Not only does such contemporaneous, remote access to judicial proceedings allow for more observers than the physical capacity of a courtroom, but it also enables members of the press and public who may be located hundreds of miles away or otherwise unable to visit a courthouse in person, to exercise their rights to observe judicial proceedings.

The ongoing pandemic has highlighted the public’s immense interest in the judiciary’s work. SCOTUSblog reports that approximately 500,000 people tuned into livestreamed oral arguments before the Supreme Court on May 12, 2020 in *Trump v. Mazars USA LLP*, No. 19-715, and *Trump v. Vance*, No. 19-635. Amy Howe, *Courtroom Access: Where Do We Go From Here?*, SCOTUSblog (May 13, 2020, 12:37 PM), <https://perma.cc/THX9-F8XJ>. And, as of June 1, 2020, an estimated 1.9 million people have listened to one of the Supreme Court’s recorded oral arguments online. *SCOTUS Oral Argument Numbers*, Reporters Committee for Freedom of the Press,

² In some cases, district courts incorporate Judicial Conference policies into local rules or general orders. See General Order 58, United States District Court Northern District of California, <https://perma.cc/ET6L-JWRV>. Even if they are not directly incorporated, the Judicial Conference’s policy conclusions are “at the very least entitled to respectful consideration.” See *Hollingsworth v. Perry*, 558 U.S. 183, 193 (2010) (citation omitted).

<https://bit.ly/2TUql5m> (last visited June 1, 2020). Many of the videos posted by the U.S. Court of Appeals for the Ninth Circuit, which regularly livestreams video of its oral arguments, have hundreds of viewers, enough to fill several courtrooms. *See United States Court of Appeals for the Ninth Circuit*, YouTube (last visited May 17, 2020), <https://bit.ly/2TgQf2Y>. Guidance from the Judicial Conference would help broaden remote access to proceedings to all levels of the federal judiciary.

Moreover, permanent authorization will prepare courts to easily transition to operating remotely in future national crises. Before the pandemic, several federal appellate courts regularly provided live audio or video of oral arguments and archived those recordings. *See* News Release, United States Court of Appeals for the District of Columbia Circuit, Court to Provide Live Audio Streaming of All Arguments at Start of 2018-2019 Term (May 23, 2018), <https://perma.cc/Y9W9-G65P>; *Audio and Video*, United States Court of Appeals for the Ninth Circuit, <https://www.ca9.uscourts.gov/media/> (last visited June 1, 2020). In response to the COVID-19 pandemic, more federal appellate courts, including the Supreme Court, have turned to live audio of oral arguments. *See, e.g.*, Press Release, Supreme Court of the United States, May Teleconference Oral Arguments (Apr. 13, 2020), <https://perma.cc/CB72-ESH9>; Advisory, United States Court of Appeals for the Federal Circuit, Availability of Live Audio Access to April 2020 Court Session (Apr. 1, 2020), <https://perma.cc/7F8J-N8JG>. For arguments in which counsel for the parties and/or the court themselves participated remotely during the COVID-19 pandemic, those appellate courts that regularly livestreamed their oral arguments—such as the Ninth and District of Columbia Circuits—were able to quickly adapt to remote, livestreamed proceedings. Permanent authorization to broadcast or stream proceedings at the district court level would be similarly beneficial.

At a minimum, the Reporters Committee urges the Judicial Conference to revisit how its Camera in the Courtrooms policy applies to civil cases. *See History of Cameras in Courts*, United States Courts, <https://perma.cc/HM4A-35F9> (last visited June 1, 2020). The Judicial Conference implemented that policy in 2016, after the conclusion of a four-year pilot program that introduced cameras into 14 district court courtrooms from 2011–2015. *Id.* The Federal Judicial Center’s report on that pilot program found that more than 70 percent of participating judges and attorneys favored recording court proceedings. Molly Treadway Johnson et al., Fed. Judicial Ctr., Video Recording Courtroom Proceedings in United States District Courts: Report on a Pilot Project 33–34, 55 (2015). By the end of the pilot program, more judges were in support of cameras in the courtroom than against, *id.* at 33–34, and most judges and attorneys said they would be in favor of permitting video recordings of civil proceedings, *id.* at 36, 44–45. Many judges and attorneys who participated in the pilot program also expressed surprise that the cameras were as unobtrusive as they were. *Id.* at 40–41. Now that many more judges have conducted remote and recorded proceedings as a result of the COVID-19 pandemic, the Judicial Conference should revisit its policy.

Finally, the Reporters Committee urges the Judicial Conference to issue guidance making clear that whenever proceedings that would normally be held in open court must

instead be held remotely due to a national crisis or otherwise, courts should provide effective public notice of those proceedings, including instructions for how members of the press and public can easily observe them. Guidance from the Judicial Conference can help to ensure uniformity in the manner in which courts provide such notice, which is necessary for members of the public to effectively exercise their rights of access.

* * *

Thank you for your consideration. Please do not hesitate to contact Reporters Committee Legal Director Katie Townsend (ktownsend@rcfp.org) with any questions. We would be pleased to provide any additional information to the Judicial Conference in aid of this important work.

Sincerely,
Reporters Committee for Freedom of the Press

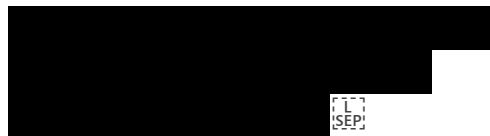
From: [Lin Weeks](#)
To: [RulesCommittee Secretary](#)
Cc: [Katie Townsend](#); [Bruce Brown](#)
Subject: Response to Invitation for Comment on Emergency Rulemaking
Date: Monday, June 01, 2020 2:15:55 PM
Attachments: [6.1.2020-RCFP-Letter to Rules Committee.pdf](#)

Good afternoon, Ms. Womeldorf. Please see the attached correspondence to the Committee on Rules of Practice and Procedure from the Reporters Committee for Freedom of the Press concerning the Rules Committee's request for public input on possible rule amendments that could ameliorate the effects of future national emergencies on court operations.

Sincerely,
Lin Weeks



Lin Weeks - Staff Attorney



From: [Frank P. Edwards](#)
To: [RulesCommittee Secretary](#)
Subject: Foreclosures, Auctions, Evictions should never ever be closed.
Date: Thursday, May 07, 2020 12:33:44 PM

Judges, trustees, security and required employees that must be involved with these cases MUST be ready and willing to work for the public. That's who pays your salaries. If police, doctors, supermarkets and drug stores and many other retailers find a way to work, so must our justice system continue to perform.

Court system already perform at a snails pace and a mere 5 day work week.

Our armed forces don't stop protecting our country, why should the justice system.

If I were to grade your system from January 2020-Today, I would give the system a falling grade.

Booooooo

Sent from my IPHONE [REDACTED]

Frank P. Edwards, LB, CBR, e-Pro Certified, Multiple listing service Board of Director, PJ Village board of tax accessor, waterfront specialist, short sale certified with all banks

20-GEN-19

From: [Kayla Rogers](#)
To: [RulesCommittee Secretary](#)
Subject: From your twitter post
Date: Thursday, May 07, 2020 3:12:57 PM

Not sure if this is exactly where we voice our concerns or opinions..... but I volunteer for a housing program have a lot of worried people if eviction cases will start again since they are either pending unemployment still or now have their benefits frozen due to random selection by FBI on fraud investigation. The program I volunteer for has already reached out numerous times to the governor's office and 211 and there is no help and no advice, told just keep waiting for DLT..... I'm concerned as a citizen and resident of Rhode Island what will happen to people, families, children and elderly from no fault of their own, at risk of homelessness. I know many who have a chance to receive rental assistance, however it will be at least three weeks before it even gets approved. I understand this is a terrible time for everyone, landlords do deserve to get rental payment, people want to pay, but have barriers in their way. But this would make matters worse for those most affected.