

07-CV-B

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Office of Public Affairs
Administrative Office of the U S. Courts
Washington DC 20544

Dear Rules Committee

Based on my absolutely horrible life ruining experiences in federal court, I believe that the rules of civil and appellate procedure can be made more clear and specific and that the procedural changes suggested below will reduce the opportunity for judicial misconduct.

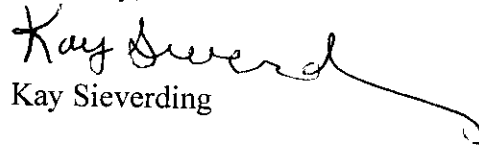
- 1) A mandatory requirement that ECF be made available to all civil litigants who request it. I was denied an ECF account in the District of Columbia and then the clerks refused to docket my filings, even those I resubmitted in paper 3 times.
- 2.) Recognized causes of action should be numbered and an ECF function should be developed that will not allow a rule 12 motion to dismiss for failure to state a cause where a numbered cause of action is cited. I cited known causes of action and supported them with factual detail but my defendants still turned in motions to dismiss.
- 3) A page limit on actions that varies with the number of claims and numbers of defendants should be developed so that actions will not be dismissed based on a vague statement that they are "too long".
- 4.) Rule 8, the rule that pleadings should be short and plain, should just be eliminated because it is vague and unclear.
- 5) A requirement that all motions will be ruled on within 90 days and that a judge's salary will be withheld if motions are un-ruled upon after 90 days. There is a similar statute in Colorado.
- 6.) A requirement built into ECF that any award or denial of a motion and any order or judgment issued without a jury trial include both factual findings, numbered numerically, and statements of law, numbered alphabetically, with ECF set so that a court order cannot be entered without at least one entry into both the fact section and the law section.
- 7) An automatic scanning by ECF for records of prior proceedings that would look for key phrases and if found would prompt the judge to delete records of prior proceedings where there is no jury trial.
- 8.) An ECF form for injunctions that would have mandatory spaces for bond supplied, date of motion, date of notice of hearing, date of hearing, and numbered facts and alphabetized laws and which would not allow an injunction to be entered without all the required fields being filled in. I was jailed for 5 months

- for violating a so-called injunction that was not preceded by motions or hearings and did not include statements of fact or law. It was not even a separate document nor was it labeled 'injunction'.
- 9.) A requirement that a defense of res judicata or dismissal based on res judicata cannot be processed by ECF unless the date of a jury trial is submitted and that any such motion or defense be not processed in ECF unless the document and page number of the transcript or pleading where the matter was supposedly decided is specified.
 - 10.) An ECF requirement that a rule 11 motion or order to show cause must state the numbered fact or alphabetized legal citation where the offending statement is made or otherwise it can't be even entered
 - 11.) ECF should be fixed so that an award for attorney bill shifting cannot be entered unless a rule 11 motion or order to show cause stating the numbered fact or alphabetized legal citation precedes it.
 - 12.) Defense counsel notices of appearance should require a mandatory statement under penalty of perjury that either insurance policies that may pay or may reimburse exist or they don't. If an attorney acknowledges that there is insurance, he must be required to produce a statement from the state insurance regulator that the insurance company is registered to sell that particular type of insurance and that all of their filings are up to date. If an attorney acknowledges that there is insurance, he should be required to enter a copy of the insurance policy into ECF at the same time that a responsive pleading is filed. If an attorney misrepresents the status of insurance coverage, there should be a mandatory disbarment for 3 years.
 - 13.) ECF should be fixed so that a warrant cannot even issue unless the badge number of title of the federal law enforcement officer, a numbered offense is identified, and a statement of probable cause is attached. I was jailed 3 times for 5 months without a numbered offense being identified and the only signature was a judge's docket clerk
 - 14.) The contents of a statement of probable cause should be defined and regulated to include who, how, when, and where and to require identification of physical evidence relied on.
 - 15.) Unless there is a motion for reconsideration, a motion for attorney fees within the statutory period, remand for a defined purpose or an action entitled rule 60, ECF should refuse to even allow any docket entries after a case is dismissed.
 - 16.) Judges should not even be assigned until after a motion to dismiss or reply is filed.
 - 17.) Judges should be assigned by the drawing of numbers from a bowl in a public proceeding at 9 a.m. in the courthouse lobby.
 - 18.) A recusal should require detail as to exactly what the conflict is. An order of reassignment should not be processed without that and the reassignment should be through the same public drawing of numbers. The process by which judges are assigned for pro se cases should be identical to the process for assignment for cases in which lawyers represent litigants.
 - 19.) The Rules of Appellate Procedure for pro se litigants should be identical to those for represented clients. There should be a statutory right to a statement of

- numbered facts and alphabetized laws, an annotated appendix, and an oral hearing.
- 20.) Any evidence of ex parte conference or extortion or witness intimidation by judicial officials should result in a mandatory hearing before the House Judiciary Committee.
 - 21.) There should be a special procedure for habeas applications based on new evidence.
 - 22.) All habeas applications should be ruled on within 30 days or the judges assigned shouldn't get paid. If a judge does not respond to a habeas petition within 30 days, it should automatically be granted.
 - 23.) Judges and magistrates should be required to submit financial statements for both themselves and their spouses. These should be public and should include all sources of income and descriptions of all investments and real estate.
 - 24.) Judges should be absolutely prohibited from holding 'scheduling conferences'. Scheduling should be done thru ECF where available meeting times are posted and the litigants select the required times in order of preference.
 - 25.) Judges and magistrates should be required to submit weekly or monthly statements itemizing all gifts from everyone except family members including meals, travel, and entertainment.
 - 26.) All communications with clerks should be thru email and published thru ECF.
 - 27.) A specialized ECF should be developed for prisoners with categories challenging legality of detention and prison conditions. All federal prisoners should be provided with a copy of the federal criminal code, the federal rules of criminal procedure, the federal rules of evidence, the state revised statutes and all Supreme Court and circuit court decisions. All federal prisoners should be provided with a statement of regulations of the conditions under which they are held and any claim that any required condition was violated should be referred to an independent master for evidentiary review. All facilities should have to annually report on all complaints regarding conditions. An admission of guilt should not be a requirement for parole.
 - 28.) All parties involved in the federal justice system should be sent detailed exit interviews and the results of these exit interviews should be the basis for annual public hearings at which the public has an opportunity to make statements.
 - 29.) All supporting staff including clerks and transcribers should be regularly surveyed as to any concerns they have about the fairness of the system and those results should be published.
 - 30.) Attorney errors and omissions insurance should only be legal if a company based in the United States sells it and they should be required to provide detailed claims handling and claims result information. Companies involved in selling attorney errors and omissions insurance should be prohibited from selling IT insurance, media insurance, medical errors and omissions insurance, government officials errors and omissions insurance, and other insurance policies that might result in claims overlapping with that of the errors and omissions insurance. The best result would be obtained by requiring that only non-profit dedicated risk sharing associations be used and that these be accountable to the public for renewal of license

- 31.) The federal judiciary should either institute its own attorney conduct complaint system or it should regulate state attorney conduct complaint systems. When a party charges obstruction of justice, witness intimidation, or any criminal conduct or appearance by non compliant insurance company, there should be a mandatory procedure involving the complained about attorney being required to respond to a formal complaint and a public hearing. I complained to the Colorado attorney regulation counsel about criminal fraud, ex parte conferences and violent witness intimidation and they said that was allowable for an advocate and did not require a formal procedure.
- 32.) The process and role of the chief judge should be reconsidered and the court administrator should have an elevated function and clear job description. Court administrators should be geographically rotated.

Sincerely,


Kay Sieverding