



Proposed change to Federal Circuit ECF rules

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I, Robert M. Miller, am a petitioner for three cases before the US Court of Appeals for the Federal Circuit. I also have an appeal being heard by the Ninth Circuit.

The Ninth Circuit permitted me, a pro se appellant, to file briefs electronically. However, Federal Circuit rules currently prohibit pro se petitioners from doing so. I filed an unopposed motion to use Electronic Case Filing (ECF) for two of my cases at the Federal Circuit, and the Court denied both motions.

Pro se litigants are already disadvantaged relative to the Federal agencies they are arguing against. Aside from the burden of proof as an appellant, the costs, rules, and research capabilities are onerous. It cost me hundreds of dollars to print, copy, and mail my briefs and appendices. I risked untimely filing merely because of unforeseeable problems at the copy store or delivery service. Filing electronically eliminates several last minute hangups that can dispose of a worthy case.

I believe that pro se litigants should be permitted to use ECF unless and until they demonstrate an inability to use the system above and beyond mistakes commonly made by seasoned attorneys admitted to the bar. This request is for the consideration of fairness as well as cost. The Ninth Circuit routinely approves this motion, and I don't believe its experience leaves them worse for wear.

Respectfully submitted,

Robert M. Miller, Ph.D.