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Subject Comments on Federal Rules

Please find attached comments from the State Bar of California's Standing Committee on the Delivery of Legal Services on proposed amendments to Federal Rules regarding electronic filing.

Sharon Ngim
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Standing Committee on the Delivery of Legal Services and the
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Proposed Amendments to Federal Rules on e Filing 2005[1].doc



**THE STATE BAR
OF CALIFORNIA**

OFFICE OF LEGAL SERVICES, ACCESS & FAIRNESS PROGRAMS

Standing Committee on the Delivery of Legal Services
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February 15, 2005

Via E-mail to Rules_Comments@ao.uscourts.gov

Peter G. McCabe, Secretary
Committee on Rules of Practice and Procedure
Administrative Office of the U.S. Courts
One Columbus Circle, N.E.
Washington, D.C. 20544

Dear Mr. McCabe:

The State Bar of California's Standing Committee on the Delivery of Legal Services (SCDLS) reviewed the proposed amendments to the Federal Rules, namely Appellate Rule 25(a), Bankruptcy Rule 50005(a) and Civil Rule 5(e), at its video conference meeting on February 5, 2005. We appreciate the opportunity and are pleased to offer our comments below. By way of background, SCDLS is 20 member committee comprised of California attorneys who are actively involved in the delivery of legal services to low-income, moderate-income and self-represented litigants in primarily civil areas including bankruptcy, family, immigration, housing, public benefits and consumer.

Appellate Rule 25(a), Bankruptcy Rule 5005(a) and Civil Rule 5(e)

SCDLS supports the proposed amendments to these three rules which authorize courts to require by local rule that papers be filed electronically, provided that exceptions are made for file by traditional means for: 1) pro se litigants who lack resources and/or the ability to comply, such as incarcerated individuals, and 2) attorneys who lack the technological resources to file papers electronically such as some legal aid attorneys and some pro bono attorneys. In addition, any electronic filing program implemented by the courts should offer sufficient technical support with a designated number for people to call to speak with knowledgeable and helpful staff to walk the pro se litigant or attorney through the e-filing process.

Should you have any questions, please do not hesitate to contact me at 415-538-2267 or sharon.ngim@calbar.ca.gov, or Tina Rasnow, Vice Chair and Legislation Subcommittee Chair for SCDLS at 805-654-3879 or tina.rasnow@mail.co.ventura.ca.us.

Comments on Federal Rules

February 15, 2005

Thank you again for this opportunity to comment.

Disclaimer

This position is only that of the State Bar of California's Standing Committee on the Delivery of Legal Services. This position has not been adopted by the State Bar's Board of Governors or overall membership, and is not to be construed as representing the position of the State Bar of California. Committee activities relating to this position are funded from voluntary sources.

Sincerely,

Sharon Ngim

Sharon Ngim
Staff Liaison to the Standing Committee on the
Delivery of Legal Services