



Suggestion for a much-needed new rule
Margaret Morris to: Rules_Support

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Dear Committee on Rules of Practice and Procedure
Administrative Office of the United States Courts,

A new rule is needed to secure Constitutional rights in our appellate courts.

Background - my appeal illustrates the need for a new rule:

The 9th Circuit Court of Appeals, in San Francisco, put my copyright infringement case into its Pro Bono Program by court order. When the judges heard my appeal, they counted the pro bono supplemental briefs (clearly marked and designated as supplemental) as replacement briefs instead. The pro bono attorneys only argued a few minor points not covered in my appeal brief. The court ignored my appeal brief even though it contained the main issues of the appeal. All further motions arguing that the main issues of appeal be heard were denied without giving any reason for the denial until the court finally refused to accept any more motions. So, the court did not meet its legal obligation to fully hear my properly-filed, timely appeal. The end result was Constitutional deprivations, i.e., the denial of due process (the rights to fair proceedings and the right to be heard in a meaningful way) and, consequently, equal protection -- very costly deprivations after investing almost a decade in the court system fighting for my property rights.

Details of my case are provided in my petition for a writ of certiorari docketed 4/18/2014 as No. 13-1266; Morris v Atchity et al.). My petition was denied on 6/2/2014

A new rule:

A new rule could prevent court errors of this magnitude. A new rule should require that as long as a litigant presents a motion showing that any main issue on appeal is not resolved according to law as applied to proven facts of the case, the appeals court cannot refuse the motion. Said rule should assure that the court provides written, law-based reasoning for denying such motion. If not, the motion can be resubmitted until the court reaches a soundly-reasoned legal decision. This makes it harder for judges to produce incorrect decisions in the first place--and to not avoid fairly resolving issues as the end result of each appeal. This kind of rule should apply whether or not a ruling is published. The rule should provide a safeguard against creating Constitutional deprivations, as the appellate court is the court of last resort for almost all litigants and it is required to meet its legal responsibilities. There should be a remedy for the litigant if the rule is not followed by the court, too.

Sincerely,

Margaret Morris