

From: [Denise Richardson CRABBE](#)
To: [RulesCommittee Secretary](#)
Subject: Opinion on Rule
Date: Sunday, July 19, 2020 10:21:21 AM

The purpose of this email is to request that the committee add the rule that pro se citizens may file electronically. Currently, judges are allowed to choose who may file electronically and this creates widespread variation and an unequal opportunity for some over others depending on the whim or discretion of each judge.

While this rule should apply at all times, it is especially critical during times of National Emergency such as the COVID pandemic. The CDC has issued guidelines for social distancing and stay at home mandates have been ordered. Many government offices are closed, personnel directed to work from home when possible and even the US Supreme Court heard cases remotely using electronic technology. Yet, pro se litigants are still required to visit post offices or court houses to file documents for cases exposing them to potential COVID infection. Even pro se litigants in the "high risk" population for COVID as defined by the CDC are required to expose themselves to the deadly virus and risk their health to file documents while others are allowed to file electronically from the safety of their homes. This is not EQUAL OPPORTUNITY.

The First Amendment grants citizens the right to "petition the government for a redress of grievances". If the people are not treated equally in making this petition, then that right becomes meaningless. If equal opportunity is not provided to pro se litigants, they are denied the equal protection under the law outlined in the Fourteenth Amendment to the U.S. Constitution. If the court denies the pro se litigant access to the electronic filing system provided by the court to others, then they have created unequal protection of the law and given one party advantage over the other since one party receives communication electronically in real-time and the pro se litigant must wait for postal delivery, messenger or other delayed methods and they must expose themselves to danger during a National Emergency such as the COVID-19 pandemic. To grant pro se citizens the same rights as those citizens represented by paid counsel and thus grant all citizens an equal playing field before the court is a fundamental right that should not require a court order or enumeration. To hold that a right so basic and fundamental and so deep-rooted in our society as the right to be equally heard in court may be infringed because that right is not guaranteed in so many words with exact rules to cover advancement of technology, is to ignore the Ninth Amendment to the US Constitution. The Ninth

Amendment asserts that fundamental rights exist without the requirement of having them expressly enumerated. Pro se citizens should be provided equal access and equal opportunity to present grievances and be heard. If it requires a rule to accomplish that end, I sincerely believe that the Rules Committee should execute that as soon as possible.
Respectfully Submitted,

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