

David J. Piell, Esq.
1431 McHenry Road Suite 213
Buffalo Grove, IL 60089
Telephone: (847) 955-1276
Fax: (847) 955-1953
david@consumerprotectionlaw.org

February 14, 2006

Peter G. McCabe
Secretary of the Committee on Rules of
Practice and Procedure
Administrative Office of the U.S. Courts
One Columbus Circle, N.E.
Washington, D.C. 20054

05-CV- 026

RE: Proposed FED. R. CIV. P. 5.2(a), Fed. R. Crim. P. 49.1(a) and Fed. R. Bankr. P. 9037(a)

Gentlemen:

I write to briefly discuss my concerns regarding the proposed FED. R. CIV. P. 5.2(a), Fed. R. Crim. P. 49.1(a) and Fed. R. Bankr. P. 9037(a). The proposed rule would leave exposed the last four digits of the social security number and tax identification number. As a practical matter, most large organizations use the last four digits of the social security number to identify individuals. Further, many public records data warehouse, provide the first five digits of the social security number on their reports. As one can see, obscuring the first five digits of the social security number provides little security for individuals involved in litigation.

One possible solution to the problem of preventing identity theft, while not inhibiting the free flow of sensitive identity information between the attorneys of record and the Court, would be to enhance the CM/ECF system. This could be accomplished by adding a secured page to each case file, to which only the attorneys of record and the judge presiding over the case would have access. The page might also prominently display whom CM/ECF generated the page for, such that where the entire page is impermissibly disclosed, one could trace the disclosure back to the culpable party. Finally, contained on this page would be the social security number(s), account number(s), birth date(s), etc... CM/ECF would assign each piece of information a static reference number, to which each party could refer in its pleadings and other filings with the court.

Sincerely,

/s/

David J. Piell