

Comment from Senior Fellow Paul D. Kamenar on *Procedural Fairness in Judicial Review*
December 3, 2020

Hi Bobby,

Unfortunately I will not be able to attend today's meeting but agree with the report. One issue that may be relevant is that some statutes don't provide for any judicial review but the judicially created default rule is to file in the district court even though it's de novo review of the agency record, but some litigants unwittingly first file for review in the court of appeals.

So maybe Congress should make that clear in an omnibus statute that judicial review, even though not provided nor precluded and unless otherwise specified, is in the district court along with the other points made in the report, e.g., scope of judicial review, etc.