

Comment from Public Member Jack Beermann on Automated Legal Guidance
June 9, 2022

I have a few comments on this excellent recommendation:

Automated responses

The paragraph starting with line 22 is problematic to me because the connection between the first two sentences and the remainder of the paragraph is not obvious. The criticisms seem to be about the quality of the guidance not about whether it can be relied on. I think this needs a bit of work, maybe breaking it up into two paragraphs, one on whether legally the guidance is binding on the agency and the other on concerns about the quality of the guidance.

Purely stylistic: Line 93, the last sentence is incomplete. Maybe change “ensure that” to “include” or add "is included" to the end of the sentence, which would make it a complete sentence.

Recommendation 16 seems way in the weeds and may involve disclosing proprietary information of contractors. Is it really necessary?

Lines 117-118, not sure about the phrase “in a subsequent investigative or adjudicative proceeding” because this principle may apply in other contexts. I recommend deleting it.