

Comment from Senior Fellow Alan B. Morrison on Agency Litigation Webpages
December 4, 2020

Add the following (plus whatever else is needed) at the end of the preamble. I will explain why something along these lines is essential:

Most federal agencies do not have independent litigation authority, but are represented in court by the Department of Justice (DOJ). Under current practice, in most cases, agencies designate a liaison with DOJ, and that person is added as a recipient of notice of court filings. As a result, the client agency has automatic access to all filings made through the Case Management/Electronic Case Files (CM/ECF) system (also known as PACER). In that way client agencies should have full access to court filings made by DOJ on their behalf and be able to implement this Recommendation.