

Comment from Public Member Emily S. Bremer on Agency Litigation Webpages
December 14, 2020

I hate to raise this perennial issue, but I would suggest replacing “should consider” with “should” in recommendation 1. It seems to me that providing access to litigation information is a best practice that we should simply recommend agencies adopt.

If the concern is resource-based, I wonder whether an acceptable minimum would be for an agency to provide a list of the agency’s litigation, preferably with judicial opinions. Just having a comprehensive list of case names and docket numbers would surely help to address the access issues described in the preamble.