

## COMMENT TO THE PROPOSED RULE CHANGE [submitted July 15, 2020]

The Access to Justice Committee of the American College of Trial Lawyers objects to the proposed rules, which would allow an immigration judge to "pretermite" (deny without a hearing) an application, thereby effectively disallowing a pro se litigant to retain counsel to supplement the filing. Because of the already limited time period in which an application must be filed, and the language barriers and lack of legal sophistication of the majority of the applicants, petitions submitted are regularly supplemented by counsel. The proposed changes would severely limit this ability, denying adequate access to counsel. The Committee is additionally concerned about the expansion of definitions of frivolousness which would be amended to disallow claims challenging the legal principles underlying the regulations and rules affecting a litigant. The harsh treatment of lawyers raising such claims will surely have a chilling effect on effective counsel. For these reasons, we urge that the rules not be adopted, and that further study be ordered so that a wider response from the community may be achieved.

++The American College of Trial Lawyers is recognized as the preeminent organization of trial lawyers in North America, dedicated to maintaining and improving the standards of trial practice, professionalism, ethics and the administration of justice.

++The mandate of the Access to Justice Committee is to encourage and facilitate the provision of pro bono legal services by individual College Fellows to persons who are unable to afford counsel to represent themselves effectively in litigation. The committee also administers the Distinguished Pro Bono Fellows Project and acts to ensure it is in line with the goals and objectives of the program.