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November 18, 2020

RE: Letter in Support of S. 4711 (Daniel Anderl Judicial Security and Privacy Act of 2020)

On behalf of the New York Intellectual Property Law Association (NYIPLA) we are writing to express our unqualified support for S. 4711 [H.R. 8591]. We can think of nothing more crucial to the administration of justice than the safety and security of our judicial officers. These officers cannot be expected to properly perform their jobs while living in fear for their lives. In the words of Supreme Court Justice William O. Douglas, "Common sense often makes a good law."

Background of the NYIPLA

The NYIPLA is a century-old professional association of attorneys whose interests and practices lie in the area of patent, trademark, copyright, trade secret, and other intellectual property law. The NYIPLA's members include a diverse array of attorneys including in-house counsel for businesses that are engaged in federal court litigation as well as attorneys in private practice who litigate intellectual property cases before the federal judiciary.

Attacks on the Federal Judiciary and the need for Congressional action

The deplorable attack on District Judge Ester Salas, which resulted in the death of her son and the critical wounding of her husband was only the latest in a series of fatal attacks, which have killed four judges and members of the family of another over the past several years. These killings have been accompanied by thousands of threats and other inappropriate communications against federal judges. While individual judges and judicial districts can and should take steps to increase the personal security of judges, only the comprehensive solutions offered by federal legislation—specifically S. 4711—can provide an effective tool against these heinous acts. The provisions of S. 4711 offer the type of comprehensive solution that is mandated by these circumstances.

Protection of Judicial Personally Identifiable Information (JPPI)

Access to JPPI, especially over the internet, increases the threat of attacks on the federal judiciary. S. 4711 includes several provisions directed to addressing this threat.

The bill provides a broad definition of JPPI and prohibits government agencies from posting content in the future that includes JPPI and requires those agencies to remove any existing JPPI upon request. It also provides for grants to state governments and appropriations to federal agencies to enable these initiatives to be adequately funded.

The proposed legislation prohibits the sale or other unauthorized transfer of JPPI and mandates the removal of JPPI from published content upon request. Importantly, the bill provides a private right of action by a judicial officer or his or her immediate family who is aggrieved by a violation of its provisions and authorizes strict remedies against violators.

Appropriations for Security Monitoring Services, Training and Threat Monitoring Capability

In addition to the protection of JPII as discussed above, S.4711 provides important funding to provide judges with security monitoring services and training in best practices for using social media in a safe way. It also provides funding to establish within the Administrative Office of the United States Courts and in coordination with other law enforcement agencies vehicles for enhanced threat monitoring, record keeping, database creation and other efforts to identify, track and contain those who engage in threats or other inappropriate communications against the federal judiciary.

Report to Congress

Finally, the bill requires the Department of Justice to report to Congress within a year on the security of the federal judiciary and the progress of Federal prosecutions and civil litigations relating to violations of its provisions.

For all of the foregoing reasons, the NYIPLA is proud to join the numerous bar associations and other entities interested in the effective administration of justice in supporting S.4711. We are available at the request of Congress to provide any additional information that may be of assistance.

Sincerely,

A handwritten signature in black ink, appearing to read 'Colman B. Ragan', written in a cursive style.

Colman B. Ragan, NYIPLA President