WHY AREN'T PETITIONS FOR CERTIORARI TO THE U.S. SUPREME COURT ON PACER and the IMMORAL INCIVILITY OF RULE 33

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It's my guess this essay won't be received particularly favorably by the U.S. Supreme Court. Oh, well. If such is the case, then both my goal and the purpose of the First Amendment have been achieved. The bottom line is that it is my responsibility to tell it like it is regarding all issues. That includes constructive negative criticism (with a bit of friendly, invective vituperation) regarding how the U.S. Supreme Court conducts its affairs.

As previously demonstrated herein, it is of significant public concern that State Supreme Court Justices, often do not more than give lip service to U.S. Supreme Court opinions. Certainly, they don't seem to feel particularly obligated to follow the "Spirit" of U.S. Supreme Court opinions. However, they do tend to at least give a degree of facial cognizance to the express language of the opinions. At the same time they appear to reserve the right to negate holdings of the higher Court by use of their own manipulative illogical means.

Regrettably, even to the extent State Supreme Court Justices give consideration to U.S. Supreme Court opinions, they receive a most disturbing message from that Court. The message conveyed by the U.S. Supreme Court to lower courts is that the Judiciary should strive to conduct its affairs in a secretive manner. In addition, it has also been sending a strong message to lower Courts that they should frustrate the ability of litigants to gain meaningful access to the legal system by adopting unnecessarily burdensome procedural rules.

The manner in which the U.S. Supreme Court conveys these messages is threefold. First, it has conveyed this message by its reprehensible failure to make Petitions for Certiorari available on PACER. Second, the message has been conveyed by its elimination in October, 2007 of direct public access to U.S. Supreme Court Briefs on the Merits from the Court. Third, the message has been conveyed by the irrational, ludicrous nature of Rule 33 pertaining to document preparation. I address each cognitively deficient policy in turn.

FIRST, the PACER issue. PACER stands for Public Access to Court Electronic Records. PACER makes available by internet almost all information and legal filings for cases in all Federal District Courts and Courts of Appeals. Any member of the public can set up an account. You can then search litigations by party name, and view and print the legal documents. This includes

Complaints, Answers, Motions, Court Orders, Judgments and Briefs. You can obtain almost any legal document for virtually any litigation that is in process.

But, you know what? You can't get the freaking information for Petitions for Certiorari filed with the U.S. Supreme Court from PACER. These are the cases that present the most significant issues facing the entire freaking nation, and the U.S. Supreme Court Justices won't put them on PACER. In technical legal terms that is what's known as a "Crock of Shit."

The nation and media have a right to know facts supporting issues presented to the Justices of the U.S. Supreme Court in cases the Court declines to grant review. That is the only way as the sovereign, we can properly and fairly assess the performance of the Justices who work for us. We need to know what constitutional issues they determine to be unworthy of review and the facts about the case. This is the only way we can assess whether the Justices correctly declined to review the matter, or whether instead they declined review because of some fear they have of the issue or the people involved.

Based on the fact that there are substantially more cases in District Courts and Courts of Appeal, with virtually all related legal documents pertaining to such being made public, it is not believable that the reason for Petitions for Certiorari not being available on PACER is related to the burden of doing so. Roughly speaking, I understand there about 9,500 Petitions for Certiorari filed each year. The U.S. Supreme Court needs to start making them available on PACER.

SECOND, is the matter of the dramatic step backward the U.S. Supreme Court took in October, 2007. On its website accessed in June, 2008 I reviewed and assessed its public posting titled "WHERE TO FIND BRIEFS OF THE SUPREME COURT OF THE U.S." The posting indicates Briefs on the Merits can be obtained from a number of internet and pay sources. However, it also states regarding "Self-service at the Supreme Court" that "This service is no longer available."

U.S. Supreme Court cases are not particularly low profile cases. We are not talking here about cases where parties might assert a privacy issue or other justification for sealing court documents. These are cases addressing the most important legal issues of national concern at the highest Court in the nation. Yet, these Banana-Brains (sorry U.S. Supreme Court Justices, but you know I'm right!) have discontinued making the Briefs on the Merits available directly from their Court. Unacceptable. Needs to change immediately.

THIRDLY, is the issue of U.S. Supreme Court Rule 33. This Rule applies to document preparation including Petitions for Certiorari. Its provisions are irrational and overly burdensome. Stated simply, the Rule is nothing short of a total pain in the ass. As I see it (and I'm always right) the Rule is designed

to provide the Justices with the personal satisfaction of knowing they were able to bust the chops of litigants and to increase legal fees in order to further no rational purpose of any nature. The rule states in part as follows:

> "(a) . . . every document filed with the Court shall be prepared in a 6 1/8" by 9 1/4' inch booklet format. . . .
> . . .
> (c) Every booklet-format document shall be produced on paper that is opaque, unglazed, and not less than 60 pounds in weight. . . ." [278]

I truly would like to know which lame Brainiac at the U.S. Supreme Court came up with the measurement of 6 1/8" by 9 1/4" and the requirement that such be on card stock. Virtually, every other single freaking Court in this nation accepts regular good ol' 8 1/2" by 11" inch paper. However, the U.S. Supreme Court, which is supposed to be the Court that decides issues pertaining to meaningful access to the Courts comes up with this absolutely ludicrous measurement. To the best of my knowledge, the only way you can even get paper to be this size is to have it cut specially, or perhaps there is a specialized national outlet where it can be purchased at an inordinately high price.

There is no justifiable reason for the Court to make it so difficult for litigants to file a Petition for Certiorari. There is no valid justification for the requirement that all of the pages be on card stock. A litigant should be able to easily purchase the paper needed for preparation of U.S. Supreme Court legal documents. They shouldn't have to get paper specially cut. To require otherwise, results in the Justices sending a very strong message to all lower Courts that is essentially as follows, "We want you all to be ballbusters, just like we are at the U.S. Supreme Court."

Accordingly, I hereby conclude as follows. The U.S. Supreme Court has a moral responsibility to the general public of this nation to make Petitions for Certiorari easily available on PACER. In the current legal environment where Courts and Judges are increasingly insisting on so-called "Civility" by attorneys even when such jeopardizes the legal rights and legal representation provided to the litigants; Rule 33 functions in an Immoral and Uncivil manner.

THE U.S. SUPREME COURT IS HEREBY FORMALLY REQUESTED TO ADOPT THE REQUISITE CHANGES NEEDED CONSISTENT WITH THIS OPINION.