

TWP Highd. Access

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May 22, 2007

Judge John R. Tunheim
Chairman
Judicial Conference Committee on Court Administration
and Management
Administrative Office of the United States Courts
One Columbus Circle, N.E.
Washington, D.C. 20544

Dear Judge Tunheim:

I read in the *New York Times* today that you, as chairman of the Judicial Conference Committee on Court Administration and Management, are considering whether plea agreements should be removed from what I assume is the online PACER system. Adam Liptak, **Web Sites Listing Informants Concern Justice Dept.**, May 22, 2007. I understand the need to protect witnesses in federal court criminal proceedings, but I would hope that could be accomplished through redaction rather than by denying access to important records.

I am a consultant, author and an online journalist focused on legal and financial issues pertaining to charities. I often write and speak to charities about the need for financial controls. To keep my writings and presentations lively and relevant, I use actual cases to demonstrate how certain financial controls could have prevented a financial fraud. Unfortunately newspaper accounts of these frauds are sketchy and often quite inaccurate. As a CPA and lawyer, I am better able to deal with the facts and issues posed by these frauds than the many journalists who lack financial and legal training. Usually the plea agreement is the most important document in the PACER file because it describes in detail what transpired. It also permits me to talk and write about the case without always having to use the word "alleged." Suddenly the need for financial controls becomes apparent to many in my audience, many of whom normally resist spending charity dollars on administration (rather than mission). If the federal courts deny me access to these documents, they will be limiting my ability to turn a crime into a learning experience for others. This would be unfortunate.

I hope you will consider the approach that the Internal Revenue Service has taken for years when it releases private letter rulings (rulings requested by taxpayers that contain confidential taxpayer information) to the public. The IRS provides the taxpayer with an

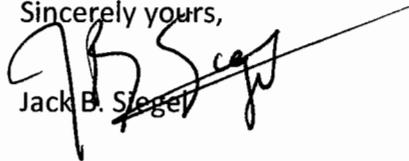


opportunity to suggest redactions of identifying information. Both the tax bar and requesting taxpayers are happy with this approach. The tax bar has access to documents that reveal the IRS's thinking and likely approach to particular tax planning strategies and the taxpayer obtains his or her ruling without being required to reveal sensitive information. There is no reason that this approach should not work in the case of plea agreements.

The Internet has greatly facilitated access to all sorts of information, including court records. The *Times* article refers to a Web site called whosarat.com. The site strikes me as rather short-sighted. I hope that the judicial system will not deny access to people who want to put what are public records to more fruitful uses. Redaction would strike the right balance.

Thank you for your time and consideration.

Sincerely yours,

A handwritten signature in black ink, appearing to read "JBS", is written over the typed name "Jack B. Siegel". A long, thin horizontal line is drawn across the signature and extends to the right.

Jack B. Siegel