

21 Bikaki St., Box 44  
21056 Tolo  
Greece

02-CV-C

Tel: 30-752-059-774  
Fax: 30-752-099-581  
e-mail: james44a@hotmail.com

April 1, 2002

Peter G. McCabe, Secretary  
Committee on Rules of Practice and Procedure  
Administrative Office of the U.S. Courts  
One Columbus Circle, NE  
Washington, DC 20544

Subject Civil Rules  
Court Filing Fee Checks

Dear Mr McCabe:

After visiting your website, I understand that I may submit comments as to the Federal Rules of Civil Procedure and/or the Local Rules of a Court, and that such comments may become a part of the public record.

Recently, as a pro se civil action filer before the United States District Court for the District of Columbia, a cashier's check that I mailed for the filing fee of \$150.00 was refused, and it is still not clear to me why. I am submitting as Exhibit A a letter of March 28, 2002 on this subject that I mailed to Ms Lisa Novak of your staff. I am also submitting a copy of the refused cashier's check as Exhibit B Both are incorporated by reference. Since I sent the letter of March 28, 2002 by ordinary mail, it may be that as of today, it has not yet arrived. As to this matter, I believe that the attached letter of March 28, 2002 largely explains my position

Even so, I would like to reiterate five paragraphs from this letter of March 28, 2002 as follows, and these following paragraphs also constitute my comments and recommendations:

As best as I can determine, Volume 2, Chapter 7 of the Guide to Judiciary Policies and Procedures states, on the topic of Receipts, two things, namely, that checks for court filing fees should be made payable to the Clerk of the Court, and that third party checks may not be submitted.

Thus, an endorsement on the back of the check payable to the order of the Clerk of the Court, according to the Uniform Commercial Code, especially with regard to a cashier's check, ultimately has the same effect as the payee line Moreover, a third party would normally be someone not related to the case, which may very well be the intention of this rule.

Meanwhile, filers of such cases are normally held responsible for the Federal Rules of Civil Procedure and the Local Rules, and not the Guide to Judiciary Policies and Procedures, which is OOU, Official Use Only, and not available for reference by the public. Indeed, it is an unusual

cashier's check was issued on their behalf, and that they are not nameless on the check, as I am now forced to be.

Moreover, when the Administrative Office committee issues an internal rule like this, shouldn't it be made clear that it cannot take effect until it appears in either the Federal Rules of Civil Procedure, and/or the Local Rules of the Court?

Sincerely,

James A. Andrews

21 Bikaki St., Box 44  
21056 Tolo  
Greece

Tel: 30-752-059-774  
Fax: 30-752-099-581

March 28, 2002

Office of Public Affairs  
Attn: Ms. Lisa Novak  
Administrative Office of the U.S. Courts  
One Columbus Circle, NE  
Washington, DC 20544

Re: Court Filing Fee Checks

Dear Ms. Novak:

This letter is a follow-up to my previous letter of February 8, 2002 to your office, and the brief discussion I had with you by telephone earlier today.

As best as I can determine, Volume 2, Chapter 7 of the Guide to Judiciary Policies and Procedures states, on the topic of Receipts, two things, namely, that checks for court filing fees should be made payable to the Clerk of the Court, and that third party checks may not be submitted.

Thus, an endorsement on the back of the check payable to the order of the Clerk of the Court, especially with regard to a cashier's check, ultimately has the same effect as the payee line. Moreover, a third party would normally be someone not related to the case, which may very well be the intention of this rule.

Meanwhile, filers of such cases are normally held responsible for the Rules of Civil Procedure and the Local Rules, and not the Guide to Judiciary Policies and Procedures, which is O.U.O., Official Use Only, and not available for reference by the public.

So, I appreciate the fact that you will be contacting Ms. Yvonne Malatino, Financial Administrator for the United States District Court for the District of Columbia, and advising her that this rule should be added (by court committee) to the Local Rules of the Court, and also to their website.

However, where does this leave the remaining courts throughout the United States, including the Appellate Courts, and all of the other U.S. District Courts?

I would like to ask and recommend if the committee that issued this rule might be able to review this internal rule once more, and perhaps an allowance should be made for cashier's checks obtained by filers who are first parties, and not third parties, for their protection, so that it is clear that the cashier's check was issued on their behalf, and that they are not nameless on the check

EXHIBIT A.

- 2 -

Moreover, when the Administrative Office committee issues an internal rule like this, shouldn't it be made clear that it cannot take effect until it appears in either the Federal Rules of Procedure, and/or the Local Rules of the Court?

Sincerely,

James A. Andrews

EXHIBIT A. (CONT.)



NATIONAL BANK  
OF GREECE

1750/260

CHEQUE No 2490471

NAUPLIA 12DEC 2001 NAFPLION BR. 427 \*\*\*\*\*150,00\*  
 place date Branch U S D  
 CUIR AMOUNT  
 order of JAMES A. ANDREWS  
 sum of U.S. dollars ONE HUNDRED FIFTY ONLY\*\*

ATLANTIC BANK OF NEW YORK  
 960 Avenue of the Americas  
 New York, NY 10001 U.S.A.

NATIONAL BANK OF GREECE S.A.  
 NATIONAL BANK OF GREECE S.A.  
 BRANCH  
 G. KAFADARIS Signature  
 MERDIKOMATIS

⑈0249047⑈ ⑈026007582⑈ ⑈1700105⑈

EXHIBIT B.

ENDORSE HERE  
 PAY TO THE ORDER OF  
 CLERK OF THE COURT  
 James A. Andrews

DO NOT WRITE, STAMP OR SIGN BELOW THIS LINE  
 RESERVED FOR FINANCIAL INSTITUTION USE

Original Document

The security features listed below, as well as those not listed, exceed industry guidelines.

Security Features:	Results of document alteration
• Clear Signature Line	• Small type in signature line appears as dotted line when photocopied
• Cleaned Protection	• Stamps or spots appear with chemical alteration
• Security Screen	• Absence of "Original Document" watermark on back of check

COMMITTEE ON RULES OF PRACTICE AND PROCEDURE  
OF THE  
JUDICIAL CONFERENCE OF THE UNITED STATES  
WASHINGTON, D.C. 20544

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EDWARD E. CARNES  
CRIMINAL RULES

MILTON I. SHADUR  
EVIDENCE RULES

April 29, 2002

Mr. James A. Andrews  
21 Bikaki Street, Box 44  
21056 Tolo  
Greece

Dear Mr. Andrews:

Thank you for your suggestion that AO regulations on court filing fees should not be effective until adoption in the Federal Rules of Civil Procedure or local rules of court. A copy of your letter has been sent to the chair and reporter of the Advisory Committee on Civil Rules for their consideration.

We welcome your suggestion and appreciate your interest in the rulemaking process.

Sincerely,



Peter G. McCabe

cc: Honorable David F. Levi  
Professor Edward H. Cooper

02-CV-C  
*Addendum*

21 Bikaki St., Box 44  
21056 Tolo  
Greece

RECEIVED  
6/10/02

Tel: 30-752-059-774  
Fax: 30-752-099-581  
e-mail: james44a@hotmail.com

May 13, 2002

Peter G. McCabe, Secretary  
Committee on Rules of Practice and Procedure  
Administrative Office of the U.S. Courts  
One Columbus Circle, NE  
Washington, DC 20544

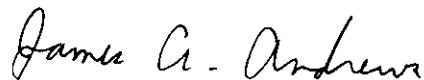
Subject: Civil Rules  
Court Filing Fee Checks

Dear Mr. McCabe:

Thank you very much for your letter of April 29, 2002 on the above subject. I would also like to briefly comment once more on the related, specific subject of the payee line on a submitted cashier's check for the court filing fee.

If the name of the plaintiff (or plaintiff's attorney) appears on this line, especially for overseas filers, this would seem to be the party of the first part, rather than a third party. Otherwise, the plaintiff would be completely nameless on the check, and that would not seem to be good practice. On the back of the check, the plaintiff, or plaintiff's attorney, would then be required to properly endorse the cashier's check over to "Clerk, U.S. District Court", or whichever federal court would be applicable.

Sincerely,



James A. Andrews

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CRIMINAL RULES

MILTON I SHADUR  
EVIDENCE RULES

July 5, 2002

Mr. James A. Andrews  
21 Bikaki Street, Box 44  
21056 Tolo  
Greece

Re: *Proposed Amendment to the Federal Rules of Civil Procedure,  
02-CV-C Addendum*

Dear Mr. Andrews:

Thank you for your additional suggestion of May 13, 2002, on the payment of court filing fees. A copy of your letter has been sent to the chair and reporter of the Advisory Committee on Civil Rules for their consideration.

We welcome your suggestion and appreciate your interest in the rulemaking process.

Sincerely,



Peter G. McCabe