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The Honorable Jerrold Nadler
Chairman
Committee on the Judiciary
U.S. House of Representatives

August 29, 2022

Dear Chairman Nadler,

The members of the NYIPLA applaud and appreciate your ongoing leadership of the House Judiciary Committee and we look forward to continuing to work with you in the years to come. Historically, we have collaborated with you on policy matters relating to the strength of the U.S. intellectual property system, but today we write to raise a matter of tremendous importance to the safety and security of our judicial officers who serve as the backbone of the American legal system.

The NYIPLA strongly supports H.R. 4436, the Daniel Aderl Judicial Security and Privacy Act, and we urge you to work with your colleagues in the House and Senate to secure its passage this year. We understand that you and others want to increase accountability and impartiality of judges—the best way to do that is to provide safety for judges that so reasonable, capable candidates are not driven away or afraid to join the bench.

Attacks on the Federal Judiciary and the Need for Congressional Action

Just over two years ago, on July 19, 2020, a premeditated and violent attack on New Jersey District Judge Ester Salas resulted in the death of her son and the critical wounding of her husband. Unfortunately, that is but one tragic example of a string of fatal attacks which have killed four judges and members of the family of another judge over the past several years. These killings have been accompanied by thousands of threats and other inappropriate communications against federal judges who have committed their professional lives to upholding justice for all of us. Most recently, these include death threats against U.S. Magistrate Judge Reinhart in Florida, with his home address and anti-Semitic slurs being posted on web sites. As U.S. Second Circuit Judge Sullivan, chair of the Judicial Conference Committee on Judicial Security, explained in a statement: “Judges should not have to fear retaliation for doing their jobs.”

While individual judicial districts can and should take steps to increase the personal security of judges, only the comprehensive solutions offered by federal legislation— specifically the Daniel Aderl Judicial Security and Privacy Act—can provide an effective and comprehensive protection against these heinous acts.

Protection of Judicial Personally Identifiable Information (JPIL)

Access to JPIL, especially over the internet, increases the threat of attacks on the members of the judiciary, and the Daniel Aderl Judicial Security and Privacy Act includes several provisions directed to addressing this threat.

The bill provides a carefully considered definition of JPIL and prohibits government agencies from posting content that includes JPIL and requires those agencies to remove any existing JPIL upon request. It also provides for grants to state governments and authorizes funding to federal agencies to ensure that these initiatives have adequate resources.

The proposed legislation prohibits the sale or other unauthorized transfer of JPIL and mandates the removal of JPIL from published content upon request. The bill provides a private right of action and strict remedies against violators.

Appropriations For Security Monitoring Services, Training and Threat Monitoring Capability

The Daniel Aderl Judicial Security and Privacy Act 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 be a leading voice among the many bar associations that are equally interested in the effective administration of justice in supporting the Daniel Aderl Judicial Security and Privacy Act.

We realize that, like all legislation, technical questions have arisen regarding the structure

and implementation of H.R. 4436. The NYIPLA, and other legal experts, have engaged in discussions regarding First Amendment free speech and other issues in relation to the bill and we believe these have been adequately addressed. However, we are at the disposal of you and your staff to continue to review and refine the language of H.R. 4436 to address any remaining concerns.

The NYIPLA would also like to acknowledge the tireless effort that Judge Esther Salas has put forth in support of this legislation since her tragic loss. We can think of nothing more crucial to the accountable, impartial administration of justice than the safety and security of our judicial officers, which will be far better protected by the passage of the Daniel Aderl Judicial Security and Privacy Act.

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, privacy, 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. Our flagship event each year, as you know, is a black-tie event in honor of the federal judiciary, and we are committed to protecting their safety.



Heather Schneider,
NYIPLA President



Robert J. Rando,
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