

## Bar Associations Slam US Appeals Court's Termination of Midnight Filings



A proposal by the 3rd US Circuit Court of Appeals to move up the cut-off for electronic filings from midnight to 5 pm could harm the quality of life of lawyers, according to several legal groups. The proposal was made by the court in January and followed years of campaigning by 3rd Circuit Chief Judge Michael Chagares to roll back deadlines to improve work-life balance.

Chagares has advocated for reducing the number of late-night filings resulting from attorneys and staff working until midnight to prepare and file briefs due that day. In a 2019 letter to a judicial rulemaking body, he contrasted the modern "virtual courthouse" to the pre-Internet era, when hard copies of filings had to be delivered before the clerk's office's doors closed.

Despite good intentions, the Pennsylvania Bar Association, the Third Circuit Bar Association, and 43 appellate lawyers have raised concerns about the proposal. They argue that the midnight deadline allows lawyers and staff more time to file briefs while addressing family care, medical appointments, and other work obligations.

Jay Silberblatt, president of the Pennsylvania Bar Association, said the proposal to move up the cut-off for electronic filings would "unnecessarily multiply the pressure already engrained in federal practice." David Fine, president of the Third Circuit Bar Association, wrote that the proposed amendments would impair the flexibility that lawyers and staff currently have.

The 43 appellate lawyers, who hail from firms including Dechert, Duane Morris, Kennedys, Reed Smith and Winston & Strawn, said the change could also sow confusion among lawyers nationally. "It would also set a trap for the unwary if practitioners who do not often appear before this Court assume that it abides by the same midnight deadline set by the Federal Rules and every other federal court of appeals," they wrote in a joint letter.

The concerns raised by these groups suggest that the proposal to move up the cut-off for electronic filings could have unintended consequences that might negatively impact the quality of life of lawyers. The issue of work-life balance has been a longstanding concern in the legal profession. While addressing it is welcome, they must be carefully considered to avoid exacerbating the problem.

Overall, the legal profession needs to continue to explore ways to improve the work-life balance of lawyers and staff. This could involve more flexible working hours, better access to mental health resources, and a greater focus on well-being and self-care. By prioritizing the health and well-being of lawyers, we can create a more sustainable and fulfilling legal profession that benefits both practitioners and their clients.