

Comment from Special Counsel Matthew Wiener on *Online Processes in Agency Adjudication*
May 3, 2023

This is an excellent recommendation.

A few suggestions appear below.

Perhaps already discussed: Should the preamble explain the relationship between eCMS and the systems/processes addressed in the recommendation? Maybe explain in the preamble what an eCMS is, citing ACUS's existing recommendation on the subject? eCMS just pops up in Rec. 1 without prior mention.

Sentence on lines 19-20. This doesn't follow from the sentence that precedes it. (Note especially "also must.") One possible revision: "In designing and implementing online processes, agencies should not only address these risks but also ensure that"

Line 32: Delete "positive"? (Weak word that's usually avoided in recommendations.) Substitute "effective"?

Line 51: Strike "but only if" and replace with "when."

Line 56: Strike "but not limited to" (I think consistent with ACUS style guide).

Line 74: Is "in batch" the most commonly used phrase?

Line 84: Do you "file" "evidence" Would "evidentiary submissions" be better? "Exhibits"?

Line 121: Delete "in instances."

Rec. 24: Should this refer to ACUS's plain-language recommendation?

Line 170: I don't think "clarify" is the right word. "Note"?

Please tell me if anything is unclear.