



ADMINISTRATIVE OFFICE OF THE
UNITED STATES COURTS

HONORABLE JOHN D. BATES
Director

WASHINGTON, D.C. 20544

September 19, 2014

Honorable Patrick J. Leahy
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

I write in response to your letter dated September 12, 2014, regarding electronic access to information maintained by five federal courts. We regret the disruption in electronic access to this information, but I am happy to inform you that we have developed a solution that will restore full electronic access to all the courts of appeals material by the end of October 2014. The restored access will be implemented on a rolling basis in the four affected courts of appeals. We also are developing a solution for the single bankruptcy court that was affected.

This disruption impacted about 600,000 docket sheets of cases that have been closed for more than a decade in the Bankruptcy Court in the Central District of California. It also impacted about 235,000 documents, virtually all of which are docket sheets, in closed cases in four courts of appeals. The courts of appeals cases have all been closed for at least a year. It is important to note that there has been no change in PACER access to the docket sheets and documents in the tens of millions of cases residing in the courts' Case Management/Electronic Case Files (CM/ECF) system.

A docket sheet is a chronological listing of documents and events in a case. It is not a case filing, record, or opinion. No documents or records were lost or destroyed. Furthermore, all open cases in every court, as well as all new filings, continue to be available on PACER. There is also no impact on the electronic availability of opinions on the courts' or the Government Printing Office's FDsys websites. Opinions continue to remain available at no charge. In sum, then, this limited disruption of electronic access in five courts involved docket sheets for some closed cases, not any filings, opinions, or other documents, and not any materials relating to open cases.

The federal judiciary is committed to providing electronic public access to case information in federal courts. Restoring access to the docket sheets is a reaffirmation of this commitment. Regular PACER fees will apply to information requests made through the new access solution, just as they did previously, resulting in no change.

We are moving steadily toward implementation of the NextGen CM/ECF case management system, which will provide more functionality, easier-to-use interfaces, and eventually the ability to log into multiple court systems with a single sign-on function. These are significant enhancements that we expect will be welcomed by lawyers and litigants. Unfortunately, the legacy case management systems in these five courts are incompatible with the new security protocols that accompany these improvements. These legacy systems were developed over 20 years ago and long-term support and maintenance is no longer practical or feasible at this time.

In the interim, before full electronic access is restored in the next few weeks, anyone seeking access to the docket sheets in any of these four courts of appeals can contact the court, which will supply a copy. The one bankruptcy court will do so as well. As stated above, we expect to have all the appellate court docket sheets converted to PDF format and available through PACER by the end of October.

PACER remains the most comprehensive electronic case information system that is publicly available in any court system and we are constantly striving to improve the system and the services it provides. It currently serves 1.8 million registered users and provides responses to more than 500 million on-line queries. While we believe there has been some misunderstanding about the type and scope of information to which electronic access has been disrupted during our transition to NextGen, we also recognize that restoring full electronic access to these docket sheets and ensuring that we communicate with PACER users in a timely and effective manner are important to meeting our users' expectations and needs.

If we may be of further assistance to you in this or any other matter, please do not hesitate to contact us through our Office of Legislative Affairs at (202) 502-1700.

Sincerely,



John D. Bates
Director

cc: Honorable Charles E. Grassley