Electronic Public Access Public User Group Meeting
June 21, 2022

EPA Public User Group Members Present:

Christopher Allman, Assistant U.S. Attorney, Kansas, Department of Justice

Adam Angione, Midwest and Northeast Bureau Chief, Courthouse News Service

JoAnn DiSanti, Associate Director of Managing Clerks, White & Case LLP

Nicholas Goldrosen, Student, Institute of Criminology, University of Cambridge

Todd Higey, Representative, National Association of Professional Background Screeners

Seamus Hughes, Deputy Director, Program on Extremism, George Washington University

Margo Kirchner, General Counsel and Development Director, Wisconsin Justice Initiative

Tyler Mills, Team Lead, Bloomberg Law

Robert Patrick, Reporter, St. Louis Post-Dispatch (*not in attendance*)

Theresa Reiss, Law Librarian, Congressional Research Service, Library of Congress

Gabriella Sarnoff, Assistant Managing Attorney, Debevoise & Plimpton LLP

Warren Thomas, Principal, Meunier Carlin & Curfman, LLC

Administrative Office of the United States Courts (AO)

Angela Jaffee	Chief, National Programs Branch, Court Services Office
Candice Murphy-Farmer	Attorney-Advisor, Operations Division, Court Services Office
Dena Eaton	Chief, CM/ECF Division, Case Management Systems Office
Erin Lane	Management Analyst, Office of Compliance and Risk
Eva Roeber	Clerk of Court, District of Nebraska
Gary McCaffrey	Chief, Operations Division, Court Services Office
James Cartwright	Branch Chief, PACER Development Branch
Jane MacCracken	Deputy Chief, Court Services Office
Linda Melchor	Program Analyst, National Programs Branch, Court Services Office
Michelle Gardner	Attorney Advisor, National Programs Branch, Court Services Office
Stephen Grant	Chief, Programs Division, Court Services Office

Meeting Summary

The AO opened the meeting, introduced staff, and reminded the Group to use the dedicated Public User Group email inbox for any assistance needed after the meeting.

Follow-On from Previous Public User Group Meeting

The AO updated the Group on three issues on which members requested follow-up during the March 2022 teleconference. With regard to the handling of Highly Sensitive Documents (HSDs) and sealed matters, the AO provided an update discussed in the next section. Regarding

encouraging courts' robust use of CM/ECF RSS feeds, the Group was informed that the AO will send a communication to courts on RSS feeds after courts have completed system updates related to the GPO judicial opinions repository.

Highly Sensitive Documents

The AO updated the Group on judiciary efforts to protect documents that contain highly sensitive information - HSDs. Following the SolarWinds breach, the AO asked all courts to take urgent action to protect the security of HSDs by receiving and storing them only in paper or in a secure standalone computer system not connected to any network or the internet (an "air-gapped system").

To that end, the AO sent multiple communications to courts with guidance on handling HSDs, most recently in May 2022. At that time, the Director reminded courts of the continued need to protect HSDs from the unprecedented and urgent IT security risks the judiciary has faced, and continues to experience. Given the current environment, it is not anticipated that HSD procedures will change in the near future.

The Group was also updated on two initiatives relating to sealing. Partly as a result of this Group's 2020 recommendations regarding best practices for unsealing search warrants, the AO formed an expert panel of court personnel consider best practices for handling sealed filings. While the project stalled due to the impacts of the COVID-19 pandemic, the panel began its work in February 2022, and the AO will keep this Group apprised of its progress.

Status of Public User Group Recommendations

Since the March 2022 call, another recommendation has been implemented. Users now have the ability to select which case documents to view or download, and view/download all documents in a case with one click of a button. These functionalities were included in the District CM/ECF NextGen release 1.7.1 available to courts in April. Users can now view/select attachments from the docket sheet in district courts that have implemented release 1.7.1.

Currently, the AO is working on:
- Including similar functionality in the Bankruptcy and Appellate systems,
- Updating learning aids and creating ones focusing on how to search using PACER, and
- Exploring additional PACER training that can be made available to users, such as modules on how to search.

The Group's remaining recommendations, which require evaluation, technical, or policy analysis, have been deferred to be addressed as part of the modernization of the Judiciary's

electronic case management, filing, and public access system.   These remaining recommendations include:

- Adding new search criteria, such as the ability to search by judge and full-text searching,
- Ability to track/follow cases,
- Improving timeliness of PACER Case Locator,
- Ability to opt-out of NEF/NDA upon withdrawing from case,
- Improving existing search capabilities by adding the ability to search using one character in combination with a wildcard character in the case title and party name fields in CM/ECF and providing a glossary and/or definition lists of court case type codes, and
- Ability to download documents at the Public Terminals.

Update on EPA Services Assessment

In the summer of 2021, a survey was sent to about 60,000 PACER users. This survey was the third such outreach to public users following surveys conducted in 2009 and 2012. The Group was provided with the following link to the report on uscourts.gov.

Deloitte presented findings, summarized below:

- **User profile of PACER users remained consistent with user profile in 2009 and 2012**
  Users from the legal sector remain the predominant PACER user type with over three-fifths reporting that they are in a legal profession.
- **User satisfaction with PACER fell slightly from 2012 to 2021**
  Lower overall satisfaction driven by decrease in satisfaction with search functionalities – one of the most common PACER use cases.
- **Many users are unaware of some of the most valued PACER additions**
  Enhancements added since 2012 generally valued by users, but some highly valued features – like group billing – are unknown to many users.
- **Least satisfied user types are most interested in potential new features**
  Media members – the most dissatisfied user type -- are most likely to utilize three of the five potential new PACER features.
- **Most users are satisfied or indifferent about PACER fee structure**
  Few users express dissatisfaction with billing and fee structures and over 70% are satisfied or very satisfied with the value of PACER for the money they pay.
- **Use increased since 2012 but PACER Service Center awareness remains low**
  Percentage of daily and weekly PACER users has increased since 2009 and 2012, but less than half of users are aware of the PACER Service Center.

PACER Development Update

The AO discussed development of enhancements in PACER impacting public users. These efforts include:

- Multifactor Authentication, which will be an opt-in function for most users, but for some, it may be mandatory, and
- Redesigned Account Registration and Management.

Members thanked the AO for developing single character search in PACER. Some members also indicated the need to update dropdown menus for case types to include the full range.

NextGen CM/ECF Update

The AO provided an update on recent and future releases of NextGen CM/ECF. While development in NextGen CM/ECF will be paused to allow the Judiciary to turn to modernizing its case management system, NextGen is being updated to comply with law and policy changes, resolve bugs, improve efficiencies, and upgrade security.

Members asked whether courts were pushing back on transitioning to NextGen because of the potential removal of plea and sentencing documents on PACER when then transition. The AO indicated that plea and sentencing documents were not removed from PACER when courts transition to NextGen, so the AO is unaware of any concerns from courts in this regard. There is new plea and sentencing functionality available to courts in NextGen, but it is up to each court as to whether they want to implement that functionality or not. Moreover, there are only three courts not currently on NextGen.

Modernization of Case Management, Electronic Filing, and Public Access System

The AO briefed the Group on the Judiciary's plans to modernize its case management, electronic filing, and public access system.

The AO's vision is a modern, sustainable digital platform for the Judiciary to manage cases and improve communication, collaboration, and engagement among courts, the public, and partners. In line with this vision, the AO will focus on user-centered design based on an explicit understanding of users, the tasks they perform, and the environments in which they operate. The AO will gather feedback from "hands-on-the-keyboard" users, or User Representatives (URs), to refine product requirements and validate them at regular intervals, ensuring that the final deliverables are fit for the business purpose.

The AO has undertaken two key initiatives to begin modernizing the system: (1) unified search research and development for PACER and (2) market research to determine the platform of the

future system. Members asked why the AO would spend resources on updating the search in the current PACER service if it would be replaced by the new, modern system in the future. The AO responded that the new search functionality will be built to be transferrable to the new system. It will provide users with new search functionality in current PACER to address some of the public's most critical needs before the new system is fully functional.

Brainstorming Sessions – Eliciting and Prioritizing Recommendations for Searches

The Group participated in two brainstorming sessions: (1) to elicit recommendations about new unified search functionality and features for PACER, and (2) to prioritize recommendations based on criticality and urgency of need. The AO has undertaken an effort to create a unified, more user-friendly search experience for court case documents. This is a research and development project that, initially, will be limited to a subset of documents that are publicly available via PACER. The Group was made aware, at its March 2022 call, that the AO had issued a Request for Information for industry sources to provide demonstrations of current technologies that could be used to search and retrieve court dockets and documents.

The Group was asked for their suggestions on improvements to PACER search features and functionality that would be most beneficial to their needs. The Group's discussion was guided by six categorical questions:

1. What types of searches do you want to be able to perform in the new system?
2. What types of information do you want to be able to search?
3. What do you want the results to look like?
4. What sorting and filtering options do you want to see for results?
5. Do you have any additional ideas related to search functionality not covered by these topics?
6. Are there any characteristics of search engines that you have found frustrating that should be avoided?

The Group's recommendations will be considered for inclusion in the new unified search tool being developed for the current PACER service, which will be transferrable to the new modernized system when it is developed. Below are the recommendations grouped into categories with the highest priorities listed first.

Recommendations Prioritized by the Group

Top Priority

- Full-text search across documents

The majority of members prioritized full-text searching across documents as a top priority need. Members also would like to be able to search across documents and with more flexible search functionality, such as fuzzy search, natural language, and Boolean strings.

- Ability to search using multiple search criteria parameters (i.e., dual searches)
Members indicated that another top priority for searches is to be able to search using multiple criteria initially to better narrow search results up-front.
- Ability to filter search results
Members also believe that the ability to filter search results should be prioritized. This will allow users to narrow their search results using additional criteria without having to start a new search.

Must Have

- Near real-time search across courts
Members believe that near real-time searching across court databases is necessary, but not as urgent as the top priorities noted above. Members believe that being able to access up-to-date information from all courts will help keep the public better informed of changes in cases.
- Full-text search across case metadata
Members noted that full-text searching across case metadata, such as docket text and docket entries, is needed to allow users the ability to quickly capture needed information from the dockets. These searches should also be flexible, including fuzzy search, natural language, and Boolean strings.
- Ability to export/download results in multiple formats (e.g., Excel format, xml, etc.)
The ability to export and download search results in multiple formats would help users vastly improve their search experiences by allowing them to create custom filters or more easily conduct data analysis on their search results.
- Provide additional search parameters
Additional search parameters, such as document type, criminal charge, or sentence, would assist users in more quickly identifying cases or documents of interest based on more specific search criteria.

Nice to Have

- Provide standard dropdown lists to search by (e.g., party type, case type, etc.)
Members noted that standardizing the search criteria, such as party type and case type, would greatly improve search results returned. Currently, there are various naming conventions across courts for party types and case types, which makes it difficult for users to ensure search results returned are complete. Standardizing the search criteria

could occur either by requiring courts to comply with certain naming conventions when entering a case, or through a built-in dictionary that identifies all variations of a party type (e.g., defendant is equal to dft, def, or defendant) or case type.

- Results should be displayed in a standard manner
  Members would like to see results displayed in a standard format so that specific criteria are identified for each result returned, making the results easier to sort.
- Enhance PACER data by integrating datasets available from other judiciary systems (e.g., FJC and USSC)
  Members noted that PACER data could be enhanced by cross-referencing and including data from other Judiciary systems. This would also assist with improving data integrity in PACER.
- Improve naming controls (e.g., United States as a party, standards for inputs, two last names for certain parties)
  Members also would like common search inputs to be recognized and the search results to include all versions of the input. For example, United States, U.S., and US in the party field would yield all cases with the United States as a party.

Conclusion

The AO extends its sincerest gratitude to all members of the first EPA Public User Group for their time, effort, and service. The Group's contributions and recommendations have made a significant impact to the electronic public access services the Judiciary provides to the public. Applications for membership on the second EPA Public User Group were due on April 30, 2022, and are currently under review.