

# Electronic Public Access Public User Group Meeting

## November 14, 2022

### EPA Public User Group Members Present:

Jaime Miguel El Koury, Student, Harvard Law School  
Brian R. Gallagher, Director of Content Acquisition, Thomson Reuters  
Dana S. Griffin Robinson, Regional Docket Manager, Jones Day  
Mark Harris, Investigative Technology Journalist, Wired, The Guardian, IEEE Spectrum, and The Economist  
Michael Jay Lissner, Executive Director, Free Law Project  
Benton C. Martin, Deputy Defender, Federal Community Defender Office, Detroit, Mich.  
Roksana D. Moradi-Brovia, Partner, RHM Law  
Lindsay A. Owen, Assistant Managing Clerk, White & Case  
Janet Peros, Senior Research Analyst, Paul, Weiss, Rifkind, Wharton & Garrison  
Anna Liese Price, Senior Legal Reference Librarian, Law Library of Congress  
Ken Rodriguez, Reference and Intellectual Property Law Librarian, George Washington University Law School  
Blayne V. Scofield, Senior Product Manager/Dockets, Bloomberg Industry Group

### Administrative Office of the United States Courts

Stephen Grant	Group Chair and Division Chief, Programs Division, Court Services Office
James Cartwright	Branch Chief, PACER Development Branch, Enterprise Operations Center
Anna Garcia	Branch Chief, Chief, PACER Support Branch, Enterprise Operations Center
Dena Eaton	Division Chief, CM/ECF Division, Case Management Systems Office
George Chenkeli	Branch Chief, Case Management Branch, Court Services Office
Linda Melchor	Program Analyst, EPA section, Court Services Office
Aicha Campbell	Program Analyst, EPA section, Court Services Office
Michelle Gardner	Attorney Advisor, EPA section, Court Services Office

### Meeting Summary

Stephen Grant, Public User Group chair and Division Chief within the Court Services Office, welcomed the new Electronic Public Access (EPA) Public User Group (Group) members and called the meeting to order.

The Administrative Office of the U.S. Courts (AO) and Group members reviewed the Group's [mission and scope](#), which is to give advice and feedback on enhancing electronic public access services (including the Case Management/ Electronic Case Files (CM/ECF) system, the PACER

service, and the PACER Case Locator). The purpose of this meeting was for the AO to provide an overview of the Judiciary's policy-making processes, laying the foundation for the Group's work. The AO stated that the Judiciary is dedicated to seeking and implementing the Group's suggestions where feasible. In turn, the Group members are expected to seek the views of others in the user sectors that each member represents.

### **Judiciary Governance and Administrative Process**

The AO described the federal Judiciary's rule-making and policy-making processes, reviewed the roles of the Judicial Conference and its committees, the circuit judicial councils, and the AO, and discussed local court governance. Cases brought before the federal Judiciary are managed locally by the federal court in which the case is brought. The management of the cases is governed by the rules and procedures that the Judiciary prescribes, subject to the legislative right of the Congress to reject, modify or defer any of the rules (see the Rules Enabling Act (28 U.S.C. §§ 2071-2077)). Because the impact of rules on the practice of law in courts is so critical, any change requires meticulous analysis and multiple stages of formal comment and review (including public comment). Courts also prescribe local rules governing practice and procedure that must be consistent with statutes and the Federal Rules. Ultimately, the needs of each case differ, and thus there can be differences in the procedures governing court filings in different courts.

### **Revenue and Costs**

The electronic public access program relies on PACER fee revenue to operate.<sup>1</sup> In its most recent budget submission to Congress, the Judiciary projected approximately \$142 million in PACER revenue. Due to waivers and exemptions, approximately 86 percent of revenue comes from less than two percent of active users. In any given calendar quarter (fees are billed to users quarterly), only about 19 percent of active users actually received an invoice for their PACER use.

### **Systems and Services Overview**

The AO presented information to the Group about the Judiciary's CM/ECF system and the portal to CM/ECF – the PACER service. Finally, the AO described the various electronic public access services the Judiciary provides to the public as follows:

- CM/ECF system - the electronic docketing and case management system used by all federal courts for nearly 20 years

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<sup>1</sup> Congress authorized the Judiciary to fund electronic public access services through the collection of user fees (Judiciary Appropriations Act, 1991, Pub. L. No. 101-515, Title IV, § 404, 104 Stat. 2102 and Judiciary Appropriations Act, 1992, Pub. L. No. 102-140, Title III, § 303, 105 Stat. 782).

- PACER service – service providing access since 1988 to over 1.5 billion documents filed in the Judiciary’s 204 CM/ECF systems
- PACER Service Center – customer support center serving all PACER users by telephone and email with search questions, account help, and registration assistance at 800-676-6856 or [pacer@psc.uscourts.gov](mailto:pacer@psc.uscourts.gov)
- [PACER Case Locator](#) – a national tool enabling case searches across all federal courts and provides hyperlinks to case records in the respective court’s CM/ECF system
- Federal court websites – individual court websites providing information about local rules, court procedures, and other court-specific information
- Public Access Terminals in Federal Court clerks’ offices – computer terminals providing access to court records free of charge
- Digital audio recordings of court proceedings (available via PACER service)
- PACER Training and Education Programs
  - PACER Training Application – a [free mock website](#) with actual court records that enables users to learn how to use PACER service effectively
  - [Written PACER User Resources](#) (e.g., manuals and learning aids)
- Real Simple Syndication (RSS) feeds – a feature in CM/ECF that provides notifications of newly docketed events (either of all public documents or specific types of documents) that many courts have made available
- Opinions on the govinfo website – providing free judicial opinions from participating courts via the Government Publishing Office’s [govinfo.gov](http://govinfo.gov) website
- Multi-Court Voice Case Information System (McVCIS) – a telephone interactive voice response system providing free general case information for bankruptcy and district court cases in English and Spanish at (866) 222-8029

### **EPA Services Assessments**

The AO provided information about the three electronic public access user assessments administered in 2010, 2012, and 2020, which measured satisfaction with PACER services. These assessments helped determine which improvements to the PACER service would be most valuable to the users. The 2010 assessment provided insight into who uses PACER, features that provide the highest level of satisfaction for those users, and features that could be improved. At that time, 75% of the users who completed the survey said they were satisfied with the services. Based on the feedback received, the PACER Case Locator was created, the PACER website was redesigned, and RSS feeds were promoted amongst courts, among other improvements. In 2012, the assessment was refreshed, and 90% of the users that completed the survey said they were satisfied. As a result of the responses from the 2012 survey, several additional improvements were implemented, including central sign-on, increasing the fee waiver, and redesigning the PACER Case Locator (PCL) and PACER website, among other

enhancements. In 2020, the AO undertook another user assessment, and 84% of users reported being satisfied with services. One of the primary areas identified for improvement was search functionality, which the AO has prioritized through its recent unified search project.

One member asked whether the AO was satisfied with the results of the surveys or whether the AO's view was that work needed to be done to improve satisfaction. The AO assured members that the goal is always to improve user satisfaction, and as happened after prior surveys, new improvements are being considered and planned.

### **Upcoming Releases and Initiatives**

The AO discussed upcoming releases and initiatives with the members. In addition, the members will be given the opportunity to assist with testing and/or provide feedback on the efforts discussed. These efforts include:

#### *Unified Search Project*

The AO reported on an initiative to improve PACER search functionality, known as the unified search project. The goal is to provide a modern, intuitive, user-friendly search interface, allowing the user to easily search across the federal courts for publicly available case data, documents, and docket entries. The AO is currently working on project planning activities and preparing for the solicitation process.

The Public User Group members were informed that they would be integrated into the user feedback loop, working with the Judiciary's Unified Search Product Team to help develop and inform requirements for the new search functionality. As a starting point, members were provided with an overview of the previous Public User Group's prioritized recommendations for enhancing the search functionality. Members were asked to participate in individual interview sessions with the AO's User Research Coordinator in November and December. In addition to providing their individual suggestions for improvements to PACER, members were asked to reach out to others in their user sectors to provide a broader range of input during these sessions.

One member asked whether the unified search project was dependent on pending legislation passing. The AO advised that the project is not dependent on pending legislation.

One member asked whether searches would be free. The AO responded that the Judicial Conference endorsed making searches free specifically for non-commercial users in future systems.

## *Future of CM/ECF*

The AO provided the Group with an overview of the path forward for the modernization of CM/ECF. The vision for the new system is a modern, sustainable digital platform for the Judiciary to manage cases and improve communication, collaboration, and engagement among courts, the public, and partners. The AO is committed to delivering the new system in an agile manner and with a user-centered design. In doing so, the AO will engage with User Representatives (URs) through user interviews and other user-centered strategies to refine product requirements and validate them at regular intervals.

The AO is currently in the Pre-Discovery Phase, and the path forward includes the Discovery / Inception Phase, Phase 1: Prototype, Phase 2: Development, and Phase 3: Roll out / Migration. The last two phases will result in a feedback loop, according to the agile development method being employed. The Pre-Discovery Phase consists of market research to inform the procurement approach for the entire platform with lessons from the industry regarding Commercial Off The Shelf (COTS) products and offerings.

One member asked how the development of the new system would differ from the development of the current system. The AO indicated that new development would be governed by a multitude of new factors, including the security landscape, end-user input, and minimizing variations and customizations. A methodical approach will be taken to develop requirements, so there will be no surprises. However, difficult decisions will need to be made about which requirements to tackle and when.

### **Next Steps**

The AO plans to conduct the next meeting with the full Group in early 2023. Members were advised that they may submit agenda topics in advance of the meeting.