



JUDICIAL CONFERENCE OF THE UNITED STATES

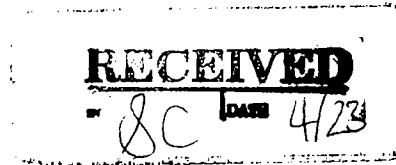
WASHINGTON, D.C. 20544

THE CHIEF JUSTICE
OF THE UNITED STATES
Presiding

JAMES C. DUFF
Secretary

April 16, 2009

Honorable Joseph I. Lieberman
Chairman
Committee on Homeland Security
and Governmental Affairs
United States Senate
Washington, DC 20510



Dear Mr. Chairman:

Pursuant to Section 205(g) of the E-Government Act of 2002 (Pub. L. No. 107-347) (the Act), the Judicial Conference of the United States presents to your Committee this report regarding the federal courts' compliance with the Act's requirements.

Section 205(a) of the Act required the chief judges of all appellate, district, and bankruptcy courts to establish and maintain a website that contains specific information, or links to websites with such information, by April 16, 2005. In its report on that date, the Judicial Conference was pleased to state that each of the federal courts had established complying websites. Additionally, those sites satisfied and continue to satisfy or exceed the requirements of the Act.

Two decades ago, the Judiciary began the development of a system to provide electronic public access to court records. First established in 1988 as a dial-up service, the Public Access to Court Electronic Records (PACER) system provides users with access to electronic case information. In the last decade, through the implementation of the Case Management/Electronic Case Files (CM/ECF) system, PACER has evolved into an easy-to-use, Internet-based service providing public access to electronic versions of documents filed with the courts through the CM/ECF system. PACER has established nearly one million user accounts, adding approximately 10,000 new accounts each month. In 2008 alone, PACER processed over 360 million requests for information.

The Judiciary continues to seek to improve electronic public access to its records. A pilot project is currently underway to evaluate the expansion of PACER to include access to digital recordings of court proceedings in district and bankruptcy courts. Additionally, because CM/ECF has served many district and bankruptcy courts well for nearly a decade, many in the court community have begun to discuss planning for a successor system. An assessment of the needs of PACER users is also underway and will lead to improvements and expansion of the Judiciary's public access services.

In addition to PACER, however, nearly every court has used their individual websites to provide electronic public access that goes beyond the requirements of the Act. For example, district courts are in the process of implementing a Jury Management System, which will allow jurors to complete qualification forms and obtain jury service-related information through the courts' websites. The Federal, First, Second, Fifth, Seventh, Ninth and Tenth Circuit Courts of Appeals provide electronic public access through their websites to orders issued on judicial misconduct complaints. The United States Courts of Appeals for the Federal, First, Fifth, Seventh and Eighth Circuits use their websites to provide the public with access to digital audio recordings of oral arguments heard by the court. Additionally, many courts provide information on the history of the court and information needed by members of the bar. The Seventh Circuit has also established a "wiki," a site that contains the court's Practitioner's Handbook, and allows users to provide comments on court procedures. The courts are also using their websites to allow greater public access to more general information, including job opportunities with the federal government, links to other relevant government Internet sites and general information about the federal government.

For 2009, the Judicial Conference is pleased to report that no court has deferred compliance with the requirements of the Act. In the past, courts have sought deferrals while implementing CM/ECF, and one district court repeatedly deferred compliance with the requirement that it provide access to its opinions in a text-searchable format. That court has resolved its issues, however, and earlier this year began providing that access. Additionally, the Judiciary has implemented a policy to make transcripts of court proceedings available to the public through PACER. The policy, which was adopted by the Judicial Conference in September 2007, required software changes and new court procedures, which have now been implemented in both district and bankruptcy courts.

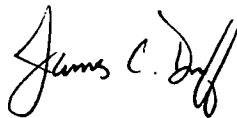
Finally, the courts of appeals and the bankruptcy appellate panels are in the process of implementing CM/ECF, the Judiciary's electronic case management system. To date, 11 courts of appeals are making electronic filings available to the public.

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Because of the lack of deferrals or pending issues, and because the Judiciary has complied with all the requirements of the Act, there appears to be little reason to submit future reports. This will, therefore, be the final Judiciary report under Section 205(g) of the Act. If, however, there are substantial changes in the provision of Internet-based access to court information, we would be happy to provide the Committee with an update.

If we may be of additional assistance to you, please do not hesitate to contact our Office of Legislative Affairs at 202-502-1700.

Sincerely,

A handwritten signature in cursive script that reads "James C. Duff".

James C. Duff
Secretary

Identical letter sent to: Honorable Susan M. Collins