

ADMINISTRATIVE OFFICE OF THE
UNITED STATES COURTS

JAMES C. DUFF
Director

WASHINGTON, D.C. 20544

August 11, 2009

Mr. Alan D. Sugarman
HyperLaw, Inc.
17 West 70 Street
New York, NY 10023

Dear Mr. Sugarman:

Re: Public Access to Electronic Opinions of the United States District and
Bankruptcy Courts

I write in response to your letter of July 10, 2009. The Judiciary provides electronic public access to millions of court filings through its CM/ECF and PACER systems. These documents are available in full compliance with the E-Government Act's provision that the Judiciary charge only "to the extent necessary" to recoup the costs of providing this access.¹ As you correctly note, it is the Judiciary's policy – not a statutory requirement – to make opinions available without charge.

Nonetheless, the Judiciary understands that there is room to improve its system. Your letter highlights one area – the electronic availability of opinions – in which a Judicial Conference committee, aided by staff at the Administrative Office, is actively exploring potential improvements and other enhancements. At its meeting in June 2009, the Committee on Court Administration and Case Management, chaired by the Honorable John R. Tunheim, received preliminary findings of staff research into electronic public availability of opinions in district and bankruptcy courts.

While research continues, the Committee has asked the Administrative Office to remind courts of the E-Government Act's requirements, as well as the Judicial Conference policy, to make opinions freely available and of the automated means within

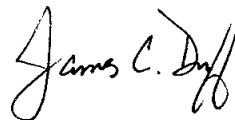
¹ See Pub. L. No. 107-347. Documents other than opinions are available at the nominal access fee of eight cents per page, with a per-document fee cap of \$2.40, the equivalent of a 30-page document. (The fee cap applies to all filings except transcripts of court proceedings.)

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the courts' case management system to do so. Thus, the Committee is not only continuing to research the issue and investigating long-term solutions, it is also taking action to ensure that the courts are aware of the systems already in place to implement the Judiciary's policy.

In summary, the Federal Judiciary not only provides vast, inexpensive access to its case files and provides access in ways that the E-Government Act has not required, it also is committed to finding ways to improve that access. Thank you for your letter.

Sincerely,

A handwritten signature in black ink that reads "James C. Duff". The signature is written in a cursive, flowing style.

James C. Duff
Director

cc: Honorable Samuel A. Alito, Jr.
Honorable Joseph I. Lieberman
Honorable Susan M. Collins
Honorable John R. Tunheim

Mr. Alan Sugarman
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bcc: Noel J. Augustyn
Gary A. Bowden
Glen K. Palman
Abel J. Mattos
Robert Lowney
Gary L. Bockweg
Michel M. Ishakian