



American Association of Law Libraries
MAXIMIZING THE POWER OF THE LAW LIBRARY COMMUNITY SINCE 1906

Public Access to Court Electronic Records (PACER)

Legislation in the 111th Congress: None.

Committees: [Senate Committee on Homeland Security and Governmental Affairs](#); [Senate Committee on Rules and Administration](#); [Senate Committee on the Judiciary](#); [Senate Committee on Appropriations](#)

Current Status: Sen. Joseph I. Lieberman (ID-CT), chair of the Senate Committee on Homeland Security and Governmental Affairs, is committed to ensuring no-fee public access to PACER. The Government Relations Office has been working with his staff to consider options for improving public access to federal court information.

Message for every senator: It is AALL policy that information on government Web sites must be accessible to all people and available without charge. In furtherance of that policy goal, we urge you to support Sen. Lieberman's efforts to provide no-fee public access to PACER.

If your senator is on the Committee on Homeland Security and Governmental Affairs:

- Make sure that your senator is aware of Chairman Lieberman's efforts on this issue, and ask him or her to work with Sen. Lieberman to provide no-fee public access to PACER.

If your senator is on the Committee on Rules and Administration:

- It is important that Rules Committee members understand the importance of continuing the GPO PACER pilot project, which was put on hold by the Administrative Office of the U.S. Courts last fall, pending an investigation. Ask your senator to contact AO Director James C. Duff and urge him to resume the PACER pilot project as soon as possible.

If your senator is on the Committee on the Judiciary:

- We need to raise the awareness of committee members and get their support for no-fee public access to PACER. Ask him or her to contact Chairman Lieberman's office and explore ways the Judiciary Committee can support his efforts.

If your senator is on the Committee on Appropriations:

- We need to raise the awareness of committee members and get their support for no-fee public access to PACER. Ask him or her to contact Chairman Lieberman's office and explore ways the Appropriations Committee can support his efforts.

Background:

In 2006, AALL's Executive Board endorsed a "[Resolution on No-Fee FDLDP Access to PACER](#)" that was instrumental in getting the Government Printing Office to work with the Administrative Office of the United States Courts on a pilot project to make the PACER system available at no cost to users of federal depository libraries. A three-year pilot project was launched in 2007 at 17 federal depository libraries, 10 of which are law libraries. The pilot project is currently on hold, pending an investigation into a possible security breach. No-fee, public access to PACER is among AALL's top priorities, as outlined in our "[Statement to the Obama-Biden Transition Team](#)."

On January 27, 2009, Sen. Joseph Lieberman (ID-CT), Chair of the Committee on Homeland Security and Governmental Affairs, sent a [letter](#) to Judge Lee H. Rosenthal, Chair of the Committee on Rules of Practice and Procedure of the Judicial Conference of the United States, questioning how the federal courts have complied with the transparency and privacy requirements of the *E-Government Act of 2002* (P.L. 107-347). Chairman Lieberman raised his concerns that not enough efforts have been made to make PACER records freely available, as required by the *E-Government Act*. AALL commends Sen. Lieberman for his efforts to increase public access to court records.

Demonstrating the public's keen interest in accessing information created by the courts, "Open and Accessible Federal Court Documents Through the PACER System" ranked third of ten in the recent "[Show Us the Data: Most Wanted Federal Documents](#)" report by OpenTheGovernment.org, of which AALL is a founding partner, and the Center for Democracy & Technology. The "Show Us the Data" top ten list is based on more than 200 suggestions from the public on the "most wanted" federal government documents that are not currently available online.

The Top Ten Most Wanted Government Documents in the "Show Us the Data" report include:

1. Public Access to All Congressional Research Service Reports
2. Information About the Use of TARP and Bailout Funds
- 3. Open and Accessible Federal Court Documents Through the PACER System**
4. Current Contractor Projects
5. Court Settlements Involving Federal Agencies
6. Access to Comprehensive Information About Legislation and Congressional Actions via THOMAS or Public Access to Legislative Information Service
7. Online Access to Electronic Campaign Disclosures
8. Daily Schedules of the President and Cabinet Officials
9. Personal Financial Disclosures from Policymakers Across Government
10. State Medicaid Plans and Waivers