

SUPPORT FOR THE ELECTRONIC COURT RECORDS REFORM ACT

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Public access to the law is vital to our democracy. The American Association of Law Libraries (AALL) believes that information available on government websites should be free of charge.

Since the 1990s, the federal judiciary has made court records available for a fee through PACER, an electronic public access service that allows anyone who registers to obtain online case and docket information from federal appellate, district and bankruptcy courts. PACER is funded by user fees, which are applied to all users of the service unless they are waived by a court. There is an exception to these charges for written opinions of courts.

Unfortunately, PACER's fees have created barriers to enhancing our legal system and ensuring greater access to justice. For example, PACER's fees limit law libraries' ability to provide effective patron access and equitable legal research instruction. The fees also hinder law librarians' ability to fulfill their responsibility to preserve and provide access to legal materials.

The Electronic Court Records Reform Act would address these problems by improving the federal courts' electronic records system, enabling greater access to court records, and bringing increased efficiency and transparency to the courts.

We urge members of Congress to support the Electronic Court Records Reform Act. The bill:

- Consolidates the Case Management/Electronic Case Files system and requires that all documents in the system be searchable, machine-readable, and available to the public and to parties before the court free of charge.
- Protects private information, requiring the courts to redact any information prohibited from public disclosure.

The bipartisan Electronic Court Records Reform Act was introduced on February 13, 2019 by House Judiciary Committee Ranking Member Doug Collins (R-Ga.) and Congressman Mike Quigley (D-Ill.), chair of the Congressional Transparency Caucus.

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