

Chronology of the Federal Judiciary's Electronic Public Access (EPA) Program

- ❑ **1989** Federal Judicial Center initiated pilot programs to provide Public Access to Court Electronic Records (PACER) systems in several bankruptcy and district courts.
- ❑ **1990** Judicial Conference **directed by Congress** to prescribe reasonable **fees** for public access to electronic information, to be deposited into a special fund for information technology projects. The initial fee for public access, via a dial-in bulletin board service, was set at \$1/minute.
- ❑ **1992** PACER expanded to additional district and bankruptcy courts.
- ❑ **1995** Fee reduced to 75 cents per minute.
- ❑ **1996** Fee reduced to 60 cents per minute.
- ❑ **1997** National locator index added.
- ❑ **1998** As the judiciary began development of the new Case Management/Electronic Case Files (CM/ECF) system, which allows courts to maintain complete electronic case files, a web interface was created for PACER, and the Judicial Conference prescribed a 7 cents per page fee for Internet access to documents from the case file. The Conference also stated that courts could make certain items, such as local rules and forms, opinions and other local information available at no cost.
- ❑ **2001** As deployment of CM/ECF continued, the Judicial Conference approved two new provisions:
 - ▶ 1. Attorneys of record and parties in a case receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer.
 - ▶ 2. No fee is owed until charges of more than \$10 in a calendar year are accrued.
- ❑ **2002** Judicial Conference approved a 30 page cap on per-document charges (\$2.10)
- ❑ **2003** The Judicial Conference made several changes to the fee structure, most notably:
 - ▶ 1. Judicial Conference extended the \$2.10 cap, the equivalent of 30 pages, to all case documents, including docket sheets and case-specific reports, with the exception of transcripts of federal court proceedings.

- ▶ 2. The Judicial Conference also addressed the issue of exemptions– specifying the individuals and groups whom courts may exempt, upon a showing of cause, including indigents, bankruptcy case trustees, individual researchers associated with educational institutions, courts, section 501(c)(3) not-for-profit organizations and pro bono ADR neutrals from payment of the fees.
- ▶ 3. The Judicial Conference further directs that courts should not exempt local, state or federal government agencies, members of the media, attorneys or others who are not members of the groups specified above, prohibits courts from using the exemption language from exempting all users, and dictates that exemptions apply only to access for the specific case or purpose for which it was given.
- ▶ **2004** The Judicial Conference amended Item I of the Electronic Public Access Fee Schedule to increase the fee for public users obtaining information through a federal judiciary Internet site from seven cents per page to eight cents per page, effective January 1, 2005.