

February 14, 2019

The Honorable Lindsey Graham
Chairman
Senate Committee on the Judiciary
Russell Senate Office Building 290
Washington, DC 20510

The Honorable Dianne Feinstein
Ranking Member
Senate Committee on the Judiciary
Hart Senate Office Building 331
Washington, DC 20510

The Honorable Jerrold Nadler
Chairman
House Committee on the Judiciary
Rayburn House Office Building 2132
Washington, DC 20515

The Honorable Doug Collins
Ranking Member
House Committee on the Judiciary
Longworth House Office Building 1504
Washington, DC 20515

Re: Electronic Court Records Reform Act of 2019

Dear Chairman Graham, Ranking Member Feinstein, Chairman Nadler, and Ranking Member Collins:

Citizens benefit from a fair and transparent government, where easy access to public records is the norm, and not the exception. Because of this, Public Knowledge, Engine, and the Electronic Frontier Foundation strongly support the Electronic Court Records Reform Act of 2019, and applaud Ranking Member Collins and Representative Mike Quigley for introducing it.

Access to information is a cornerstone of fair democratic governance. Unfortunately, the modern judiciary has fallen short of this ideal; its digital documents system, PACER (Public Access to Court Electronic Records), charges a fee of up to 10 cents a page. These fees disproportionately burden low-income individuals, citizen journalists, and nonprofit institutions who rely on access to court documents for their livelihoods. Moreover, the system is Byzantine in its design, and non-lawyers seeking public information must contend with a system that even skilled lawyers find arcane and difficult to navigate. Rep. Collins' Act would initiate a much-needed opening up of the system to allow everyone--not just law firms--to have meaningful access to the public record.

Beyond making PACER more accessible to everyone, the bill would initiate a long-overdue overhaul to PACER's underlying technology, by requiring that all documents be text-searchable and machine-readable; allowing external websites to link to documents; and centralizing digital audio and visual files of court recordings for public access. With these improvements, PACER would not only become a more open repository for court documents, but a more comprehensive resource for citizens at large.

The Electronic Court Records Reform Act represents a long-overdue step in the right direction. As such, the undersigned groups support the Electronic Court Records Reform Act, and

commend Ranking Member Collins and Representative Quigley for their leadership on this issue.

Sincerely,

Public Knowledge
The Electronic Frontier Foundation
Engine