

Electronic Public Access Public User Group Meeting

December 11, 2024

EPA Public User Group Members Present:

Brian R. Gallagher, Director of Content Acquisition, Thomson Reuters

Dana S. Griffin Robinson, Regional Docket Manager, Jones Day

Mark Harris, Investigative Technology Journalist, *Wired*, *The Guardian*, *IEEE Spectrum*, and *The Economist*

Benton C. Martin, Deputy Defender, Federal Community Defender Office, Detroit, Mich.*

Lindsay A. Owen, Assistant Managing Clerk, White & Case*

Robert Patrick, Public Affairs Officer, U.S. Attorney's Office for the Eastern District of Missouri

Janet Peros, Senior Research Analyst, Paul, Weiss, Rifkind, Wharton & Garrison

Blayne V. Scofield, Senior Product Manager/Dockets, Bloomberg Industry Group*

EPA Public User Group Members Not Present:

Jaime Miguel El Koury, Student, Harvard Law School

Roksana D. Moradi-Brovia, Partner, RHM Law

Anna Liese Price, Senior Legal Reference Librarian, Law Library of Congress

**Attended virtually for parts of the meeting*

Administrative Office of the United States Courts (AO):

Lucien Adam	Group Chair and Chief, Programs Division, Court Services Office
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Linda Melchor	Program Analyst, EPA Section, Court Services Office
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Anna Marie Garcia	Chief, PACER Support Branch, Enterprise Operations Center
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James Cartwright	Chief, PACER Development Branch, Case Management Systems Office
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Diane Traylor	CM/ECF Release Manager, CM/ECF Division, Case Management Systems Office
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Randall Luttenberg	Communications Specialist, Operations Division, Court Services Office
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Sukanya Somasundaram	Program Analyst, Case Management Branch, Court Services Office
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Erin Lane	Management Analyst, Office of Compliance and Risk
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James Vilt	Clerk of Court, U.S. District Court for the Western District of Kentucky
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Roger Jacobson	Chief, National Programs Branch, Court Services Office
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Kristin Baczynski	Attorney Advisor, EPA Section, Court Services Office
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Clarissa Prince	Budget Analyst, EPA Section, Court Services Office
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Michael Djan	Management Analyst, EPA Section, Court Services Office
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Meeting Summary

Lucien Adam, Public User Group Chair and Division Chief within the Court Services Office, welcomed the Electronic Public Access (EPA) Public User Group members and called the meeting to order. He introduced the EPA program staff and provided an overview of the agenda. Attending members introduced themselves.

PACER Service Delivery Update

The Administrative Office (AO) presented an overview of customer support provided to all PACER users. The PACER Service Center provides support to all PACER users via telephone and email (1-800-676-6856 or pacer@psc.uscourts.gov), assisting with questions about searching court records, PACER account support, and registration assistance. In fiscal year 2024, the PACER Service Center handled approximately 168,000 phone calls and 142,000 emails and processed over 372,000 user registrations.

Members asked for the number of active PACER users, which, in fiscal year 2024, was about 618,000 unique accounts. Members inquired as to how many accounts are exempted from PACER fees. The AO stated that under the EPA Fee Schedule, about 91% of users have their fees waived or are otherwise exempted from paying fees. A member asked whether exempt users receive a bill. The AO explained that while exempt users do not get an invoice, they are sent a statement of account capturing their usage. Members asked whether federal courts outside of the Judicial Branch (e.g., U.S. Court of Appeals for Veterans Claims) will use the CM/ECF system in the future. The AO responded that at this time it did not know.

PACER Development Update

The AO reviewed for the Group the various applications that support public access. These include:

- PACER Account Registration and Management – system that processes PACER account registrations and allows users to manage their PACER accounts, register to e-file, make payments, and check billing usage and statements.
- Centralized Authentication – national system that authenticates and authorizes PACER users and authenticates NextGen filers.
- Centralized Billing – system that collects billing transactions from all CM/ECF courts in a semi-real-time basis and allows users to see what they have accessed at a national level along with the charges incurred.
- PACER Case Locator (PCL) – a national tool enabling case searches across all federal courts that provides hyperlinks to case records and reports in the respective court's CM/ECF system.

Members were also informed of the recent change to the PCL's bankruptcy search functionality, and the upcoming release of Multifactor Authentication (MFA) for filers.

Members asked for an update on the request that lag time for updating the PCL be reduced. This issue will be addressed by the new PACER interface that will be developed. The new interface will provide near real-time data for national searches and will replace the PCL. Another member asked how the PCL deals with the various versions of CM/ECF. The AO responded that one way it does so is by providing a limited set of data from all courts, but that the data returned can still vary from court to court depending on how and whether the courts capture the relevant information. The member also asked if it was possible for the AO to require all courts to be on the same version of CM/ECF. The courts are urged to be on the most recent versions of CM/ECF.

Multifactor Authentication for Filers

The AO discussed the upcoming Multifactor Authentication (MFA) requirement for filers. As reported by the Judicial Conference in March 2022, the Committee on Information Technology endorsed the Judiciary IT Security Task Force's recommendation to expand the use of MFA across the judiciary, including external facing applications such as PACER. MFA will provide an added layer of security to help protect users from cyberattacks that steal passwords.

MFA will be mandatory for filers and other users who have CM/ECF-level privileges (e.g., access to Notices of Electronic Filing and Notices of Docket Activity) and optional for all other PACER users (users with view-only access). The MFA solution currently under development leverages the Open Time-Based One Time Password (TOTP) method. TOTP is cost efficient and will be added to the existing authentication process. It combines two independent credentials: what the user knows (PACER username and password) and what the user has (mobile device with an authentication application to which an access code is sent). The members were provided a walkthrough of what they might expect when MFA is implemented but were advised that what they were shown was subject to change as development and implementation planning progresses.

Members had several questions regarding the impact MFA will have on their existing processes. One member expressed concern about how attorneys would be able to have multiple paralegals submit filings on their behalf. A user can link up to three authentication applications to their account. Members expressed that three might not be enough for attorneys and asked whether that limit could be increased. The AO will re-evaluate the number of authentication applications allowed per account. Members also asked that the AO send users advanced notification of the MFA requirement and upcoming release so that filers have sufficient time to prepare. The AO will send notifications in advance of the MFA release via the GovDelivery bulletin. A member inquired whether the AO could send out notification to all filers including to secondary email addresses. The AO informed the members that the secondary email addresses are stored in

CM/ECF and that the PACER Development Branch does not have access to those email addresses. Finally, a member asked how much time a user would have to enter the access code. The AO responded that it has not been determined yet.

NextGen CM/ECF Update

The AO provided the Group with an update on recent and future releases of NextGen CM/ECF. An overview of CM/ECF and general statistics was also presented. NextGen CM/ECF development is now limited to complying with law and policy changes, resolving bugs, addressing technical debt, and applying security upgrades. Most resources are being concentrated on the Case Management Modernization effort. The most recent version of NextGen CM/ECF (1.8) was released to appellate and bankruptcy courts in May 2024 and district courts in June 2024. The next version of NextGen CM/ECF (1.9) is targeted for release in late 2025.

Members asked if courts are still able to modify the new releases of CM/ECF. The AO responded that courts can modify CM/ECF to meet business needs related to their local rules and procedures. Another member asked for statistics regarding newly filed cases per year and the average number of filings in a given case. After this meeting, the AO provided a link to the Group to [federal Judiciary case statistics](#) and clarified that numbers of filings per case is not tracked. A member asked for clarification regarding a data point the AO presented that stated that in November 2024, 41% of filings were made by attorneys. The member asked whether it could be assumed that the remainder of the filings were initiated by court staff and pro se filers and if additional insights could be provided. The AO confirmed after this meeting that the remaining 59% of filings included court orders, administrative matters in cases, and pro se (unrepresented litigant) filings.

Case Management Modernization Update

The AO briefed the Group on the federal Judiciary's Case Management Modernization effort. The goal of this effort is to develop a new case management system that is accessible, secure, and based on modern technological platforms, such as the cloud, to provide the accuracy, timeliness, and efficiency demanded by the courts and public users.

The project is progressing on parallel tracks that include user needs and requirements gathering, proof of concept and prototyping development, and pilot product development and deployment. The user needs and requirements gathering track entails engaging internal and external "hands-on-keyboard" users of every type, including public users represented by this Group. The proof of concept and prototyping track is focused on developing, testing, and validating potential solutions before committing to a path for creating a fully functional product. Finally, the pilot product track will involve the development of a Minimum Viable Product (pilot product) that is initially released only to pilot courts for specific case types. Users will continue to use NextGen

CM/ECF for all other case types. More case types will be added in future incremental releases. Internal and external users will be provided with the opportunity to provide feedback throughout the pilot development track.

A member asked if the new system would include new features for users or if it is more of a security update. The AO responded that the Case Management Modernization effort aims to modernize the system with new features for users along with updated security.

Unified Search Project Update

The Administrative Office (AO) provided the Group with a status update on the Unified Search Project – an initiative to replace PACER search and reporting functionality. The goal of the project is to provide a modern, intuitive, user-friendly search interface, allowing public users to easily search across the federal judiciary for near real-time court data in cases, documents, and docket entries.

**Additional details of this discussion will be posted after an award is made in the Unified Search Project procurement.*

Case Alerts Brainstorming

The AO facilitated a brainstorming session to elicit requirements for the new Case Alerts feature. Case Alerts will allow users to subscribe to a case and receive an alert of docket activity in the case. Currently, users who are not active participants in a case do not receive notices when filings are made and must monitor the docket sheets or perform redundant searches to track activity in a case of interest.

**Details of this discussion will be posted after an award is made in the Unified Search Project procurement.*

Case Preview Wrap-Up

The Group concluded its discussion on Case Preview and finalized the list of data fields for each Case Preview instance. The Group was provided with a quick refresher on Case Preview, a feature that will provide a snapshot of a case in the new PACER interface to serve as a more affordable option to view case information than viewing the full docket report.

**Details of this discussion will be posted after an award is made in the Unified Search Project procurement.*

Retrospective

The Group was asked to reflect on their term by examining their overall experience, looking at both the positives and areas for improvement. This will help the AO identify areas that could be improved to help enhance the experience of the new Group coming in next year. The members were instructed to use the 4Ls Technique to help guide their reflections. The 4 Ls are what did you Like, Learn, Lack, and Long for. The Group then discussed their reflections. Below are highlights of the reflections provided by the members.

	Reflections
Liked	<ul style="list-style-type: none">• Diversity of the Group• Homework and follow-up sessions to discuss feedback• Collaborating with other PACER users• Effort to gather user input to inform projects
Learned	<ul style="list-style-type: none">• Better understanding of PACER systems and processes as well as some of the challenges• More about the needs of other PACER users and the diversity of the PACER user demographic• Information about upcoming projects and changes to PACER
Lacked	<ul style="list-style-type: none">• Regularity of scheduled meetings• Having more homework or mockups to help members prepare for user research sessions• Goals and milestones for Group's term• Opportunities to discuss or provide input for things outside of the Group's scope
Longed For	<ul style="list-style-type: none">• Set roadmap for Group's goals and activities at beginning of term• In-person meeting at the start of the Group's term• More frequent meetings• Breakout sessions with smaller groups during meetings• Use of mockups/visuals of proposed UI screens to help members provide input and with group discussions• An alumni network with former Public User Group members that can be engaged

Group Discussion

Members discussed additional questions regarding the new PACER interface (Unified Search Project) and CMM effort. A member asked when users can expect the release of both systems. Solicitation for the solution is still in progress so a timeline is not yet available. Another member asked whether this Group's requirements will be provided to developers. The AO confirmed that the Group's input will inform development of Case Preview. Another member asked if the next

Group will be focused on Case Alerts. The AO responded that Case Alerts would be one of the focuses of the new Group, and that the new Group would be provided with the preliminary list of requirements generated during this meeting's Case Alerts brainstorming session. Another member asked if there were plans to provide data differently to high volume users. The AO responded that in the future the AO plans on providing APIs for these users and any other users that request them. Finally, a member asked if there would be communications going out prior to going live with the new PACER interface. The AO responded that there would be ample notice given to all users to prepare them.

Conclusion

The AO thanked all members for their time, effort, and service.