

Access to Court Resources:

PACER, court records, and more

Today's Trainers



Nicole Peaks,
Third Circuit Library



Moose



Anna Russell,
Ninth Circuit Library

Agenda

Background on the e-Government Act:
Why government records are free.

Deep Dive into the Act's term: "Written
Opinion"

- Written Opinions term as vehicle to free access
- Diving into PACER

Locating case law, docket sheets, briefs
in PACER, Court Websites, and GPO.

Poll Question

Why are we discussing the E-Government Act?

- ✓ Created a non-judiciary made binding term of art: **Written Opinion**.
- ✓ Requires all courts to have a website that provides “access to the substance of all written opinions issued by the court regardless of whether such opinions are to be published in the official court reporter”
- ✓ As of April 16, 2005 opinions must be in a text-searchable format on court’s website or through a link on the court’s website
- ✓ Required indefinitely
- ✓ Local procedures required a one-time CM/ECF “dictionary” change
- ✓ Electronic Public Access Unit system extracts a copy of the opinion from the electronic case file as the case file is archived

Law Number

Public Law 107-347

Date Approved

December 17, 2002

Full Title

An act to enhance the management and promotion of electronic Government services and processes by establishing a Federal Chief Information Officer within the Office of Management and Budget, and by establishing a broad framework of measures that require using Internet-based information technology to enhance citizen access to Government information and services, and for other purposes.

Bill Number

H.R. 2458

Supreme Court Right to Access

Richmond Newspapers, Inc. v. Virginia, 448 U.S. 555 (1980)

Richmond Newspapers was the first decision in which the Supreme Court deemed that the public had some First Amendment right to access government information. (Laurence Tribe's first-ever argument before the Supreme Court)

Press-Enterprise Co. v. Superior Court of Cal., County of Riverside, 478 U.S.1 (1986)

Supreme court extends "transcendent" right to access to other judicial records "pre-trial proceedings cannot be closed unless specific, on-the-record findings are made demonstrating that "closure is essential to preserve higher values and is narrowly tailored to serve that interest."

PACER system was established by the Judicial Conference in 1988 to improve public access to court information.



We must also promote global access to the Internet. We need to bridge the digital divide not just within our country. But among countries. Only by giving people around the world access to this technology can they tap into the potential. Of the information age.

— Al Gore —

LEGISLATIVE HISTORY EVOLUTION OF E-GOVERNMENT ACT



The Clinger-Cohen Act, was signed into law in 1996, just 5 years after the development of the World Wide Web (1991) and at a time when the potential uses of the Internet were just beginning to be recognized by the larger, general public.



2001 Lieberman and Thompson review comments from E-Government Project Website and draft 107 S. 803 that will become E-Government Act

SECTION 205

Section 205 requires access to all "written opinions" even "unpublished" ones.

Public Law 107-347
107th Congress

An Act

To enhance the management and promotion of electronic Government services and processes by establishing a Federal Chief Information Officer within the Office of Management and Budget, and by establishing a broad framework of measures that require using Internet-based information technology to enhance citizen access to Government information and services, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “E-Government Act of 2002”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.

TITLE I—OFFICE OF MANAGEMENT AND BUDGET ELECTRONIC GOVERNMENT SERVICES

Sec. 101. Management and promotion of electronic government services.
Sec. 102. Conforming amendments.

TITLE II—FEDERAL MANAGEMENT AND PROMOTION OF ELECTRONIC GOVERNMENT SERVICES

Sec. 201. Definitions.
Sec. 202. Federal agency responsibilities.
Sec. 203. Compatibility of executive agency methods for use and acceptance of electronic signatures.
Sec. 204. Federal Internet portal.
Sec. 205. Federal courts.

D
[

E-G
Act

44 U

Fulfilling Act Requirements: Creating free digital Opinions

WHAT THIS MEANS FOR PUBLIC ACCESS

The unveiling: “Written Opinions” + PACER, CM/ECF & GPO

October 2012 AO Memo:

“Providing access to judicial opinions through FDsys allows the judiciary to broadly distribute its work to the public. The opinions from the pilot are already one of the most heavily used collections on FDsys [govinfo.gov], with over 5 million retrievals in August [2012] alone. The GPO’s system allows for easy and quick searches of written opinions, an essential element of providing meaningful access to the judiciary’s work.”



“Written Opinion”

- **"any document issued by a judge or judges of the court, sitting in that capacity, that sets forth a reasoned explanation for a court's decision."**
- The responsibility rests with the authoring judge.
- The definition is expressly intended to cover reports and recommendations issued by magistrate judges
- The definition is not intended to include routine, non-substantive orders such as scheduling orders or rulings on motions for extension of time.
- In the courts of appeals, only those documents designated as opinions of the court meet the definition of “written opinion.”



TOO MANY TERMS

Case Law =

Published (or not)

Precedential (or not)

Order

Ruling

Opinion

Decision

Memorandum

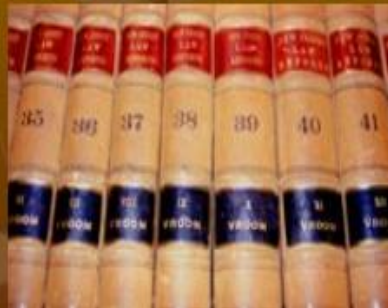
= Written Opinions

Law Reporter

A law reporter (or “law report”) is a published volume of judicial decisions by a particular court or group of courts.

Law reports may be either official (published by the government) or unofficial (published by a private publisher).

Court citations frequently include the names of both the official and unofficial reports.



VOL. 4.

CASES ARGUED AND DETERMINED

IN THE

CIRCUIT AND DISTRICT COURTS

OF THE

UNITED STATES.

OCTOBER—DECEMBER, 1882.

PEYTON BOYLE, EDITOR.

YES! THESE ARE WRITTEN OPINIONS

- But they are not the only kind!
- The next thought is often: “published or unpublished?”

For Educational Use Only

NORTHERN PLAINS RESOURCE COUNCIL, INC., --- Fed.Appx. ---- (2018)

2018 WL 1060564

This case was not selected for publication in West's Federal Reporter.

See Fed. Rule of Appellate Procedure 32.1 generally governing citation of judicial decisions issued on or after Jan. 1, 2007. See also U.S.Ct. of App. 9th Cir. Rule 36-3.

United States Court of Appeals,
Ninth Circuit.

NORTHERN PLAINS RESOURCE COUNCIL, INC., Plaintiff-Appellant,
v.
U.S. BUREAU OF LAND MANAGEMENT and U.S. DEPARTMENT OF INTERIOR, Defendants-Appellees,
SIGNAL PEAK ENERGY, INC., Intervenor-Defendant-Appellee.

No. 16-25447

Energy, LLC. Plaintiff alleges comply with the National Environmental Policy Act ("NEPA"), 42 U.S.C. §§ 4321-4342, regarding potential environmental impact of the proposed project. Plaintiff seeks an Environmental Assessment ("EA") under 28 U.S.C. § 1291, and we review de novo the district court's judgment. *Env'tl. Prot. Info. Ctr. v. EPA*, 554 F.3d 1005, 1008 (9th Cir. 2006) (reviewing an agency's compliance with the Administrative Procedures Act, 5 U.S.C. § 554 (9th Cir. 2006). Agency decision is affirmed.

UNITED STATES of America,
Appellee,
v.
MICROSOFT CORPORATION,
Appellant.

Nos. 00-5212 and 00-5213.

United States Court of Appeals,
District of Columbia Circuit.

Argued Feb. 26 and 27, 2001.
Decided June 28, 2001.
Rehearing Denied Aug. 2, 2001.

United States and individual states have brought antitrust action against manufacturer of personal computer operating system and Internet web browser. The United States alleges that Microsoft Corporation has engaged in a series of anticompetitive practices to maintain its monopoly power in the market for operating systems. Microsoft denies the charges and asserts that its conduct is procompetitive and in the public interest. The United States seeks a permanent injunction against Microsoft's anticompetitive practices, an order of specific performance requiring Microsoft to license its operating system to other manufacturers, and an order of disgorgement of Microsoft's profits from its anticompetitive practices. Microsoft seeks a permanent injunction against the United States' antitrust claims, an order of specific performance requiring the United States to license its operating system to other manufacturers, and an order of disgorgement of the United States' profits from its anticompetitive practices. The United States and Microsoft agree that the United States' antitrust claims are barred by the doctrine of res judicata. The United States and Microsoft agree that the United States' antitrust claims are barred by the doctrine of res judicata. The United States and Microsoft agree that the United States' antitrust claims are barred by the doctrine of res judicata.

1. Monopolies ⇨ 12(1.3)

Offense of monopolization under the Sherman Act has two elements: (1) possession of monopoly power in the relevant market; and (2) willful acquisition or maintenance of that power as distinguished from growth or development as a normal consequence of superior product, business acumen, or accident. *Sherman Act*, 15 U.S.C.A. § 2.

2. Federal Courts ⇨ 77

Court of Appeals reviews questions de novo.

3. Monopolies ⇨ 12(1.3)

While mere possession of monopoly power is not itself an antitrust violation, it is a necessary element of a claim of monopolization under the Sherman Act.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	Case No. 1:06cr189
)	
Plaintiff,)	Judge Peter C. Economus
)	
vs.)	REPORT AND RECOMMENDATION
)	OF MAGISTRATE JUDGE
MICHAEL PAVLIK)	
)	
Defendant.)	Magistrate Judge James S. Gallas
)	

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Criminal Action No.
)	06-00144-01-CR-W-FJG
LEVONNE E. DALLAS,)	
)	
Defendant.)	

DETENTION ORDER

These are “Written Opinion” examples

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

ST. PAUL FIRE & MARINE INSURANCE
COMPANY,

Plaintiff,

v.

ASPEN REALTY, INC., d/b/a COLDWELL
BANKER ASPEN REALTY,

Defendant.

CASE NO. CV 05-355-S-MHW

**MEMORANDUM DECISION
AND ORDER**


Currently pending before the Court for its consideration is Plaintiff St. Paul Fire &

*These are not published in
the Federal Reporters.*

Court
Librarians help
to make judicial
law available to
the public.

According to the
E-Government
Act, the “Written
Opinion” is set in
motion in each
Chambers.

Locating case law,
docket sheets, briefs in
PACER



Navigating Entryways into the system

Docket sheet

U.S. District Court

United States District Court for the District of Alaska (Anchorage)

CIVIL DOCKET FOR CASE #: 3:89-cv-00095-HRH

In re the EXXON VALDEZ

Assigned to: H. Russel Holland

Case in other court: 9CCA, 04-35182

9CCA, 04-35183

9CCA, 05-35287

9CCA, 05-35468

9CCA, 07-35636

Date Filed: 03/30/1989

Date Terminated: 03/30/2010

Jury Demand: Plaintiff

Nature of Suit: 890 Other Statutory Actions

Jurisdiction: Federal Question

Date Filed	#	Docket Text
03/30/1989		All future filings will be in the CM/ECF System. All documents filed prior to January 3, 2006, are available for review at the Clerk's Office.(JAG,) (Entered: 11/16/2005)
03/30/1989	8201	Copy of ACMS docket. Click on the hyperlink to access docket entries 4027-8201 from prior ACMS system.(CLW) (Additional attachment(s) added on 12/18/2008: # 1 Copy of Hard Docket Entries 2914-4190, # 4 Copy of Hard Docket Entries 4191-5665) (NXL, COURT STAFF). (Additional attachment(s) added on 12/18/2008: # 5 Copy of Hard Docket Party Names) (NXL, COURT STAFF) (Entered: 12/18/2008)
01/28/2004	7835	HRH ORDER #364 that this court concludes that a \$5 billion punitive damages award was justified by the facts of the case and is not grossly excessive so as to deprive Exxon of fair notice--its right of appeal was not denied. The court of appeals did not just remand this case for application of BMW, Cooper Industries, and State Farm. It means resolving the conflict between its conclusion and the direction of the court of appeals. The sum of \$500 million of the \$5 Billion jury award is reduced to \$4.5 billion. The clerk shall enter an amended partial judgment accordingly. All plfs' lead counsel's mot for Rule 54(b) determination or, in the alternative, an interlocutory appeal, is granted. Court granted mot (2d renewed) for reduction of punitive damages at dkt 7487 is denied as moot. cc: cnsl Signed by Judge H. Russel Holland on 01/28/04. (SMF) (Entered: 01/28/2004)
01/28/2004	7836	HRH Amended Partial Judgment that punitive damages are awarded for the plfs and against the defs Exxon Mobile Corp (D-1) and Exxon Shipping Co (D-2), jointly and severally, in the amount of \$4.5 billion. The clerk shall enter an amended partial judgment accordingly. Signed by Judge H. Russel Holland on 1/28/04. (SMF) (Entered: 01/26/2006)
02/26/2004	7862	NOTICE OF APPEAL as to 7835 Order by EXXON Corporation, EXXON Shipping Company. (SMF) (Entered: 01/26/2006)
02/27/2004		Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals, CADD & Representation Statement re 7862 Notice of Appeal. (SMF) (Entered: 01/26/2006)
02/27/2004	7864	ACMS Conversion Entry NOTICE OF CROSS APPEAL as to Order 7835 filed 1/28/04, Order 7836 filed 1/28/04 by Plaintiffs' Liaison Cnsl. Co-Lead Cnsl or Lead Trial Cnsl; parties advised true docket entry re 7864 (SMF). (Entered: 02/01/2006)
02/27/2004		ACMS Conversion Entry Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re 7864 Notice of Cross Appeal. CADD and Representation Statment also forwarded to 9CCA. (SMF) (Entered: 02/01/2006)



Navigating PACER fees

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Free access update

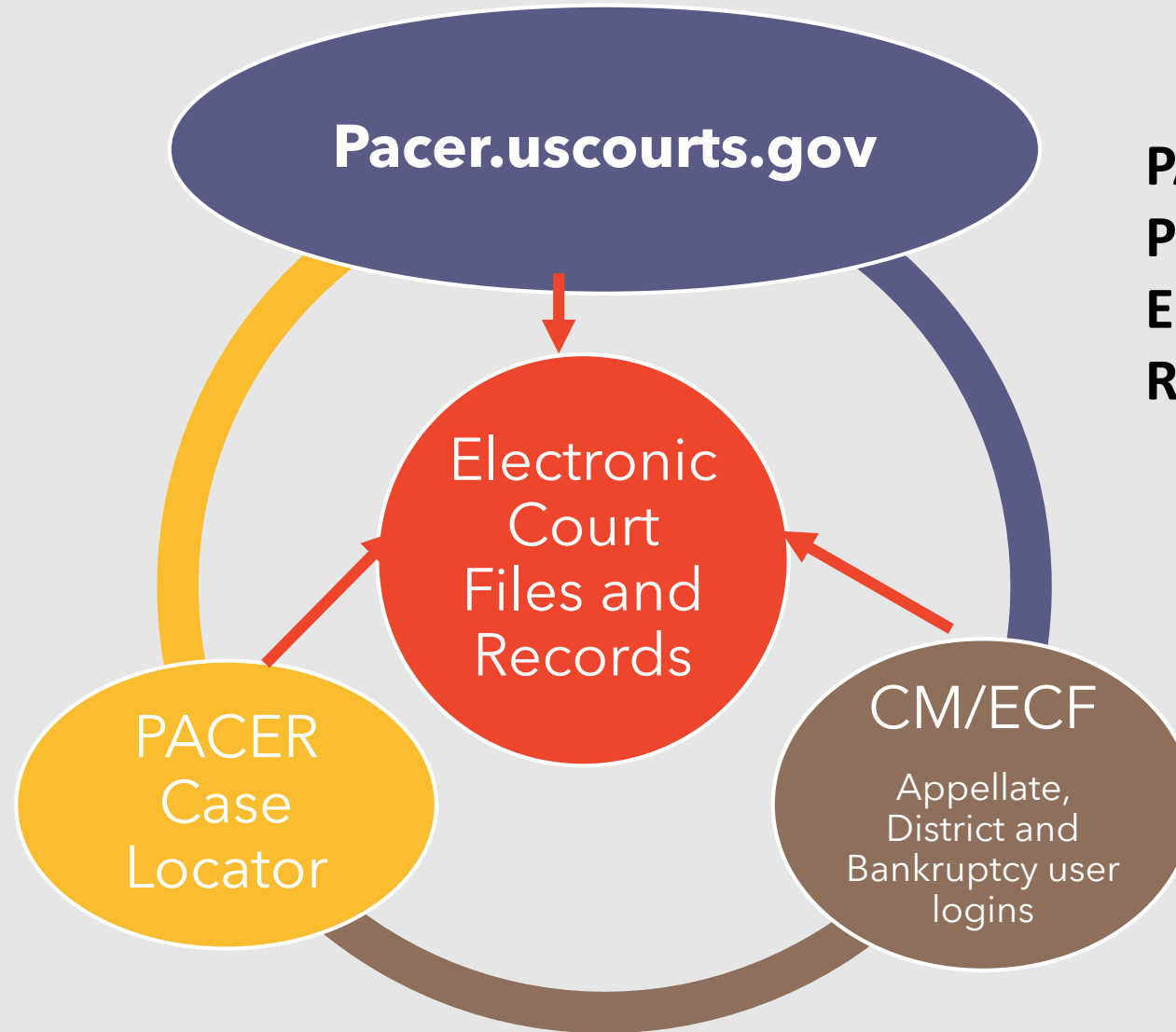
NVLSP, National Consumer Law Center, Alliance for Justice v. U.S. (D.D.C.) Case No. 1:16-cv-00745-ESH

The plaintiffs are three non-profit organizations, National Veterans Legal Services Program, National Consumer Law Center, and Alliance for Justice, who are alleging illegal exaction. They challenge the legality of PACER fees by arguing the charged fees exceed the costs of maintaining PACER in violation of **the E-Government Act of 2002**.

Why do you register for
a PACER account?

**CM/ECF =
Case Management/
Electronic Case Filing**

**PACER =
Public Access to
Electronic Court
Records**



3 Avenues for entry

1. CM/ECF url



Welcome to the U.S. District Court for the District of Alaska

[District of Alaska - Document Filing System](#)

2.

PACER Case Locator

New Search

Welcome

Quick Searches

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- [Find Parties \(Advanced\)](#)
- [Find Bankruptcy by SSN/EIN](#)
- [Find Bankruptcy \(Advanced\)](#)

Case Search

Advanced Case Search

Party Search

Advanced Party Search

Bankruptcy Search

3.

as Anna Russell

PACER Log in

Client Code: ca9 auto

Court *
Court Links

Where would you like to go?

- PACER Case Locator
- Court Links**
- U.S. Appellate Courts
- U.S. COURT OF APPEALS, FIRST CIRCUIT BAP
- U.S. COURT OF APPEALS, FIRST CIRCUIT
- U.S. COURT OF APPEALS, SECOND CIRCUIT

is site is maintained by the Admin



Remember

- All paths lead to <https://ecf...>
- PACER Case Locator allows for a couple extra nationwide search options.

When is PACER Free?

1. You access \$30 or less worth of court records within a quarter.
2. You are a party in a case and receive a Notice of Electronic or Notice of Docket Activity (one free copy) from a court.
3. You view case information at any federal courthouse.
4. You are an exempted individual or group
5. Court opinions are always free.

Cost for Accessing PACER

When you search for or look at an online court record you will be charged the following fees:

\$0.10 per page in a:

- Document (but no more than \$3 per document)
- Transcript of federal court proceedings
- Non case-specific report (such as cases reports)

\$0.10 per PACER search results page (including no matches)

\$2.40 per audio file

There is no maximum fee for name searches, reports that are not case-specific, and transcripts of federal court proceedings. Transcripts of federal court proceedings are added to PACER after 90 days. [Contact the federal court where the case was heard](#) to find out about accessing transcripts newer than 90 days.

If you have questions or comments, contact the PACER service center by phone at (800) 676-6856 or by email at pacer@psc.UScourts.Gov.

<https://ecf.akd.uscourts.gov/cgi-bin/login.pl>



Reports

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[Civil Cases](#)

[Judgment Index](#)

Written Opinions Report

Case Number

Last Name

Office

Case Type

Case Flags

First Name

Nature of Suit

Cause


Filed between and

☐ Summary text

☒ Full docket text

Sort by

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Party Information

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Party

☐


Last Name or Entity Name *


First Name

M


☐ Exact Matches Only 


Party Role





Court Type







Maximum Results Exceeded

Your search yielded more than **5,400** results.

The search results shown are limited to the first **5,400** results. There are potentially many more results that are not shown.

On the Search Results page, you have the option to:

- Work with the first **5,400** results. However, the option to sort result columns is not available.
- **Refine**  your search to reduce the number of search results.
- Run your search as a **batch job**  that will return all results, which must be downloaded as a file.

NOTE:

Batch searches are limited to 108,000 results. No fee is charged until the search results are downloaded.

☐ Do not show this message again.

OK

What avenue would I use if I need...?



I have a specific case, a docket number, or a party name = **PACER Court links**



Patron is doing research not tied to a specific case = **PACER Case Locator** or the CM/ECF for one court



You need to search across multiple courts = **PACER case locator**



Want to keyword search = **Govinfo.gov**



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United States Courts Opinions (USCOURTS) collection is a collaborative effort between the U.S. Government Publishing Office (GPO) and the Administrative Office of the United States Courts (AOUSC) to provide public access to opinions from selected United States appellate, district, and bankruptcy courts. The USCOURTS collection is consistent with the E-Government Act's requirement for the substance of all written opinions, issued after April 16, 2005, to be made available in a text searchable format. [\[Pub. L. No. 107-347, Title II, Section 205\]](#)

The content of this collection dates back to April 2004, though searchable electronic holdings for some courts may be incomplete for this earlier time period, and some courts may have holdings dating farther back. Once an opinion is located, all associated opinions within the same case can be accessed from the opinion Content Details page [Read More](#)

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Content Details

[16-3529 - USA v. Allie Speight](#)

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<u>Category</u>	Judicial Publications
<u>Collection</u>	United States Courts Opinions
<u>SuDoc Class Number</u>	JU 2.11
<u>Court Type</u>	Appellate
<u>Court Name</u>	United States Court of Appeals for the Third Circuit
<u>Circuit</u>	3rd
<u>Party Names</u>	Allie Speight, Appellant United States of America, Appellee
<u>Opinion Filed Date</u>	April 28, 2021
<u>Docket Text</u>	NOT PRECEDENTIAL OPINION. Coram: CHAGARES, JORDAN and SCIRICA, Circuit Judges. Total Pages: 7. Judge: JORDAN Authoring. [16-3529, 18-3811]

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What legal opinions are in Google Scholar?

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USA v. Allie Speight

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UNITED STATES BANKRUPTCY COURT District of Alaska

Understanding Bankruptcy | CM/ECF (E-Filing) | For Attorneys | For Debtors | For Creditors

Applicable Time Periods for
Matters in Bankruptcy Court

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U.S.C.)

Federal Rules of Bankruptcy
Procedure

General Orders

History, Background and
Comments Local Bankruptcy
Rules

Local Bankruptcy Rules

[Opinions](#)


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Opinions

[ABRs from May 22, 1990 through July 29, 2011](#) - Clerk's Office

[ABRs Subsequent to July 2011](#) - The court has begun adding new ABRs. As new ABRs are added, they can be accessed [here](#).

[All Opinions Beginning April 16, 2005](#) - All Opinions



UNITED STATES COURTS for the NINTH CIRCUIT

Chief Judge
Molly C.
Elizabeth A. S.


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Clerk's Office
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Appellate Commissioner
Bankruptcy Appellate Panel

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- Chief Judge
Sidney
Thomas

Opinions

Opinions are ordinarily posted to this website by 10:00 am Pacific Time. Memorandum Dispositions are posted by 4:00 pm Pacific Time. There is no charge to view or download these documents from our website. Please note that dispositions are also available from the PACER system shortly before they are posted to this site. PACER is available [here](#) to open a PACER account and find out more about fees. PACER account holders may register as non-party users in the Appellate ECF system to obtain immediate email notification of the filing of opinions and dispositions in specific cases. Please register as a non-party user.

Please contact the clerk's office at 415-355-8000 for Published Opinions posted before January 3, 2011.

Ninth Circuit opinions (along with those of several other circuits) dating back to January 2008 are available through advanced search capabilities at the Government Printing Office's Federal Digital System [here](#).

RSS feed available: 

[Click for Case Code Glossary](#)

Search Opinions

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Authoring Judge: <input type="text"/>	Concurring/Dissenting Judge: <input type="text"/>	Case Type: Select
Date Filed (mm/dd/yyyy): <input type="text"/>	<input type="button" value="Search"/> <input type="button" value="Clear"/>	

Case Title	Case No.	Case Origin	Authoring Judge	Case Type
ART TOBIAS V. MICHAEL ARTEAGA	18-56360	Los Angeles District Court	WARDLAW, Kim	Civil
ROBERT ODELL, JR. V. HHS	19-15262	Las Vegas District Court	MILLER, Eric D.	Civil

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Case Name:

Filed After:
MM/DD/YYYY

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Document #:

Attachment #:

Assigned To Judge:

Referred To Judge:

Nature of Suit:

Party Name:

Attorney Name:

☐ Only show results with PDFs

[Q Search](#)

Operators Quick List

AND - Intersection

OR - Union

-, !, NOT - Negation

" " - Phrase search

() - Grouped queries

: - Fielded search

***, ?** - Wildcard

~ - Fuzzy and proximity

[x TO y] - Ranges

^ - Field boosting

[More details...](#)

About CourtListener's RECAP Archive

Background

The RECAP Archive is a searchable collection of millions of PACER documents and dockets that were gathered using our [RECAP Extensions for Firefox, Chrome and Safari](#). PACER is the government-run system where nearly every legal document is filed from federal cases. **The archive also includes every free PACER opinion.** This unique archive was created to partially address what we see as the [PACER Problem](#).

Learn More About PACER

We've written many articles about PACER:

- [What is the PACER Problem?](#)
- [How Much Money Does PACER Make?](#)
- [What Should be Done About the PACER Problem?](#)
- [What is a Page of PACER Content?](#)
- [The Cost of PACER Data? Around One Billion Dollars.](#)
- [Why Should Congress Care about PACER?](#)

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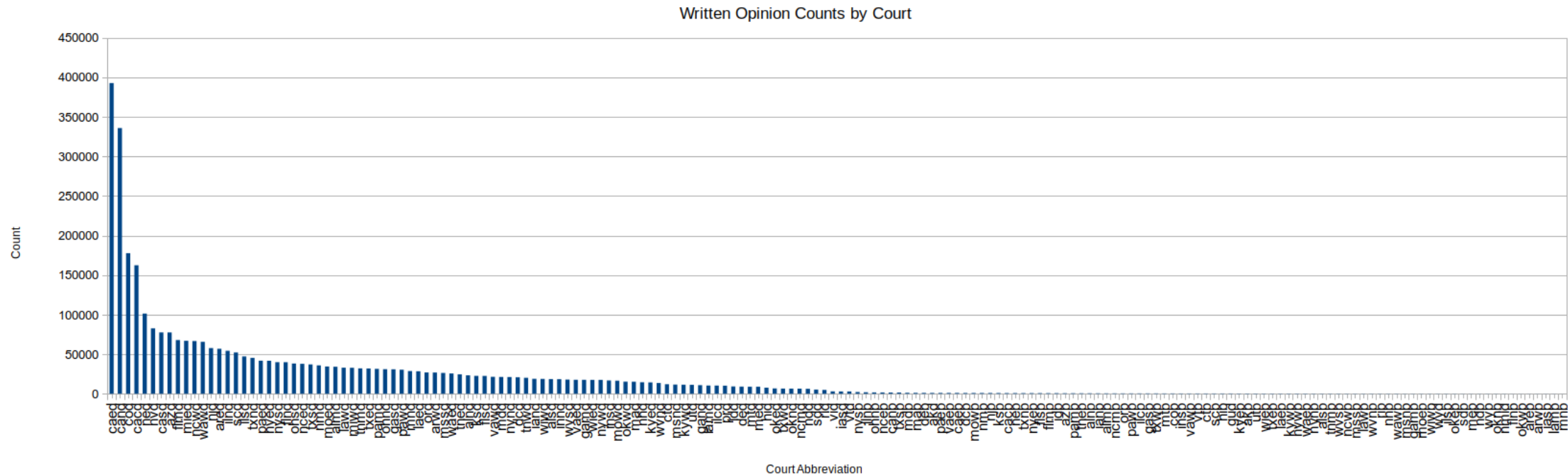
This archive of data was created by users of the RECAP Extensions. Learn more and install them at the RECAP homepage.

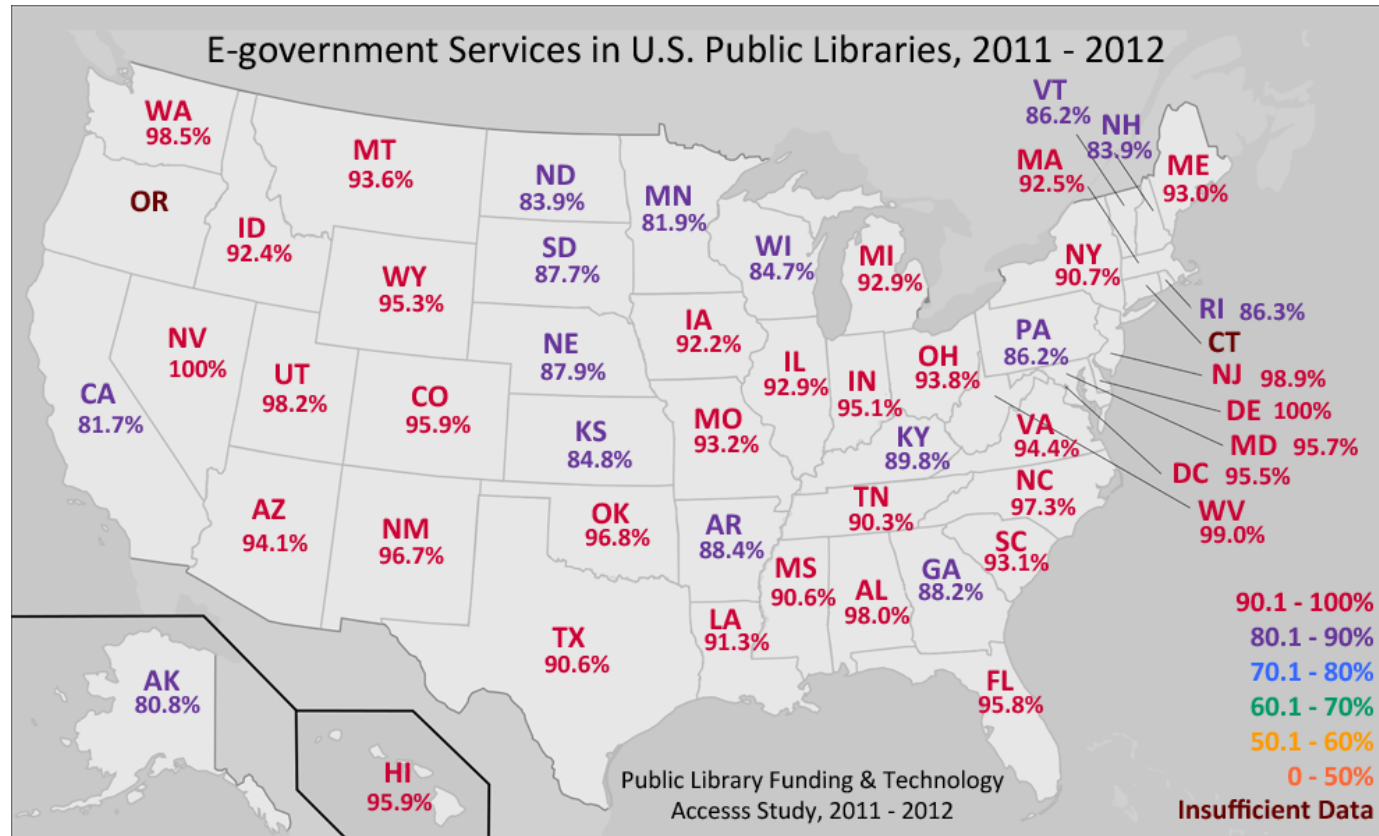
[Install the Extensions](#)

Research Service and API

CM/ECF facts & figures

- CM/ECF currently contains, in aggregate, more than one billion retrievable documents spread among the 13 courts of appeals, 94 district courts, 90 bankruptcy courts, and other specialized tribunals.
- CM/ECF databases contain over 47,000,000 cases.
- Approximately 2,000,000 new cases and tens of millions of new documents are entered each year.





U.S. public libraries are on the front lines of connecting people with essential government resources.

Nationally, 92% of libraries provide as-needed assistance to patrons for understanding how to access and use e-government websites.

Access to e-government resources is the third most requested assistance behind K-12 educational reference requests and employment.

SUCCESS!





QUESTIONS