February 5, 2019

Representative Mike Quigley
U.S. House of Representatives
Washington, D.C. 20515

Representative Doug Collins
U.S. House of Representatives
Washington, D.C. 20515

Re: Electronic Court Records Reform Act

Dear Representative Quigley and Representative Collins:

I am writing on behalf of the American Bar Association to add our voice in support of eliminating fees for public access to electronic court records on the PACER system. The ABA, with over 400,000 members, is the leading organization of the legal profession in the United States. Our members include private and corporate lawyers, solo practitioners, prosecutors, public defenders, judges, and law enforcement personnel in addition to legislators, law students, law professors, and others in related fields.

As early as 1995, the ABA House of Delegates (our policy-making entity) recommended unequivocally that courts provide “computer on-line access to court and docket information to members of the profession and the general public at no direct cost to the user.” At the time of that recommendation, approximately half of the state courts that offered electronic access to records provided the service free. Almost 25 years later, this objective has yet to be attained at the federal level.

Many of our members are in solo or small firm practice, work for nonprofit organizations or governments, or teach law; for them, access to federal court records may be a professional necessity, albeit an expensive one. As the ABA report accompanying the House of Delegates’ recommendation observed: “The much anticipated ‘great equalizer’ in the practice of law is technology. The promise of technology, however, is greatly diminished if its expense becomes prohibitive to those most likely to benefit from its use.”

Court records are public records, and technology has made it both cost-effective and convenient to make those records available to the public in a timely fashion and on a no-fee basis.

We appreciate your leadership on this issue and look forward to working with you towards achieving the important objective of this legislation in the 116th Congress.

Sincerely,

Robert M. Carlson