



18 August 2020

James Duff

Secretary, Judicial Conference of the United States
Director, Administrative Office of the U.S. Courts
One Columbus Circle, NE
Washington, D.C. 20544

John S. Cooke

Director, Federal Judicial Center
One Columbus Circle, NE
Washington, D.C. 20544

Re: Administrative support for enabling PACER RSS feeds nationwide

Dear Directors Duff and Cooke,

I am writing to urge the Judicial Conference to adopt a policy encouraging all federal courts to enable an existing feature of the PACER system: RSS feeds of all recent cases and filings in each federal jurisdiction. I am the executive director of Free Law Project, a 501(c)(3) non-profit organization in Oakland, California, that works to make the U.S. legal system more fair and efficient. Recently, we completed a study of which federal courts provide a complete RSS feed of the recent cases and filings in their district. We found that although RSS feeds are a standard feature of the PACER system that allow the public to freely and efficiently learn about new filings and cases in federal courts, many courts have them limited to only some types of filings, and other courts do not have them enabled at all.

Complete RSS feeds of recent filings let local reporters learn when new cases are filed in their district, so they can quickly find out when there is new momentous litigation, without having to periodically login to PACER and run reports. For the general public, RSS feeds allow Americans to quickly learn when opinions and other case filings happen, a feature that CM/ECF allows for members of each local bar via email, but that is not generally allowed for members of the general public.

RSS feeds also enable tools like the Big Cases Twitter bot,¹ which monitors federal cases of public interest. In jurisdictions where RSS feeds are enabled, Big Cases uses those feeds to identify important filings, which it then purchases and shares

¹ https://twitter.com/big_cases

publicly on Twitter. With an audience of fifty-four-thousand followers, the Big Cases bot routinely stimulates discussion and public awareness of newsworthy legal developments.

Echoing these points, the importance of PACER RSS feeds came up during the first meeting of the PACER User Group, where the “[g]roup requested that courts be strongly encouraged by the [Administrative Office of the U.S. Courts] to turn on the RSS feature and provide full docket entry/activity feeds.”²

In our study of PACER RSS feeds, we learned that 22 courts have the RSS feeds completely disabled and 55 have their feed configured to only provide a subset of filings. Together, these limiting configurations affect courts in 33 states. For example:

- The Northern District of Illinois is the fourth biggest jurisdiction by population. In March, they disabled their RSS feed summarily and entirely, without public notice of any kind.
- The Eastern District of California serves nearly eight million Americans and has their RSS feed completely disabled. This means that within minutes, interested parties can learn about new cases in San Francisco, Los Angeles, or San Diego but not when one is filed in Sacramento or Fresno.
- Of the four districts in Texas, three have complete RSS feeds, but the Northern District of Texas lacks one entirely. This makes it difficult to learn about new filings or cases initiating in numerous cities, including Dallas, Fort Worth, and Amarillo.

For several years, we have contacted these courts to try to get their feeds enabled and to learn their perspectives. Some courts have quickly responded by enabling their RSS feed. This has been heartening — but after years of effort, it is clear that there are simply too many courts for us to reasonably contact ourselves.

While talking to the Clerks and Directors of Operations at these courts, we have heard a few gut responses that have been easily addressed:

1. **Objection:** Sealed content might be revealed.

Response: Sealed content does not appear in RSS feeds. This is demonstrated by the numerous courts that have their feeds fully enabled.

2 PACER User Group February 27-28, 2020 meeting summary, available at:
https://www.uscourts.gov/sites/default/files/epa_publicusergroup_feb2020_mtgsummary_0.pdf

2. **Objection:** RSS feeds could undermine the Public Access Fee Schedule.

Response: Feeds do not provide access to dockets or PDFs, but merely provide an index that lists the existence of these items. If anything, access to RSS feeds should increase PACER revenue as interested parties learn about content they might not otherwise know existed.

3. **Objection:** RSS feeds may require more powerful servers to support.

Response: In discussions with courts, we have learned that the RSS feeds are normally configured to only update on a preset schedule, after which point the updated content is saved in a “cache” for future viewers. This smart approach from the creators of PACER means that RSS feeds are only updated infrequently, instead of every time they are downloaded. This limits the impact on court infrastructure.

Furthermore, 112 courts currently have RSS feeds enabled without limitation, including some of the busiest courts in the country. To the extent impact on court infrastructure is a concern, it can be easily addressed.

Taken altogether, it is apparent that enabling unrestricted RSS feeds in all federal courts is something that can be achieved with modest administrative support and straightforward guidance.

We are a small non-profit that is working with the courts to get RSS feeds enabled across the federal judiciary, but we need a force-multiplier. The Judicial Conference, the Federal Judicial Center, and the Administrative Office can provide the courts with the policy, training, and administrative support they might need to give the public better access to the business of federal judiciary.

We recognize that the decision to enable RSS feeds is ultimately up to each circuit or individual court, but we hope that you will recognize the importance of these feeds and that you will do whatever you can to assist the public in this matter. If you should wish to discuss it further, we welcome further discussion.

Thank you,



Michael Lissner
Executive Director
Free Law Project

CC: Representative Jerrold Nadler, Chair, House Judiciary Committee
Representative Henry Johnson, Member, House Judiciary Committee
Representative Jim Jordan, Ranking Member, House Judiciary Committee
Representative Martha Roby, Member, House Judiciary Committee
Representative Doug Collins, Member, House Judiciary Committee