

# Free Law Project

We use software, data, and advocacy to make the legal sector more equitable and competitive.

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# Our Topic: The Rest

- Charlotte covered court data.
- I'm talking about the rest of the Judicial Branch.
- What else can we get, how can we get it now, and what does a better world look like?



# What *is* the Judicial Branch?

- Administrative Office of the U.S. Courts (runs things)
- Judicial Conference of the U.S. (makes policies)
- Federal Judicial Center (trains judges, makes data)
- 81 Federal Public Defender Organizations
- U.S. Sentencing Commission
- Supreme Court Police (protects SCOTUS buildings)
- (And a whole lot of courts.)



# What's (fairly) easy to get?

- Old financial disclosure documents
- A CSV of judge biography info (no magistrates or bankr.)
- Annual case statistics
- Conference proceedings
- Senate judiciary questionnaires
- Rules/procedures
- Annual budget
- A grab bag of other stuff



# But otherwise...

- Secretive culture; difficult to get anything beyond court docs
- Relies on the “Common Law Right of Access” from England, established 1372:
  - Frequently used for court records
  - Little (visible) use on administrative records
- Common Law’s two tenets:
  - Is it a public document?
  - Is the public’s need greater than the gov’t privacy?



# A Recent Right of Access Win

- BuzzFeed News got records from the Capitol Police

**"Forcing the government's hand in this case is important because it shows that the right of access to congressional records is not just theoretical."**

— BuzzFeed News  
attorney Jeffrey Light

BuzzFeed News

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# But ultimately, CLRA is mushy.

- No timelines
- No bright lines
- No guarantees (even less than FOIA)
- Unclear appeal process
- And so forth



# What Could We Get — Top Ten (1/2)

1. Disciplinary actions and complaints for judges and attorneys, whistleblower reports, disbarment proceedings, admission records
2. Financial records and contracts
3. Fines and fees levied
4. AO court guidance letters
5. Security audits, recovery plans, and incident reports





# What Could We Get — Top Ten (2/2)

6. SCOTUS public calendar
7. Judicial Conference committee membership and minutes
8. List of all judges past and present
9. FJC Integrated DB but *with* judge information
10. The next top ten list



# Case Study: Financial Disclosures

- We:
  - Collected three decades of financial disclosure documents filed by judges
  - Extracted 1.7M investment records
  - Shared it with *WSJ*
- *WSJ* found 993 cases — so far! — where judges failed to recuse. **993**.
- Congress held a hearing; Justice Roberts' annual letter focused on the topic; bill is moving forward.
- Shock waves are still echoing.



Nine hundred ninety-three

993

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# Some Solutions

- FOIA for the judicial branch
- Rapid by-default disclosure of financial disclosures and stock transactions
- Free PACER
- Culture of openness



# Problems to Overcome

- How do you appeal rejected data requests?
- How close to judicial proceedings and papers do you go?
- Will judges sour on FOIA oversight?
- Where's the money?



# Thank You

- Mike Lissner, @mlissner, [mike@free.law](mailto:mike@free.law)
- If you use PACER, install RECAP:  
<https://free.law/recap/>
- 993

