



2 September 2020

Jane MacCracken
Chief, Court Programs Division
Administrative Office of the U.S. Courts
Thurgood Marshall Federal Judiciary Building
One Columbus Circle, N.E., Ste 4-560
Washington, D.C. 20544

Re: Administrative support for enabling PACER RSS feeds nationwide

Dear Chief MacCracken,

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. I write at the suggestion of a letter from Director Duff dated September 1, 2020 regarding nationwide implementation of PACER RSS feeds. We are thrilled to learn from his letter that the AO fully supports this initiative and is actively working to encourage all federal courts to enable RSS feeds in their jurisdiction.

I write with what I hope are two final considerations on this topic. First, I am concerned that Director Duff's letter does not mention the need for PACER RSS feeds to be complete. Having worked on this issue for several years, I have learned that these feeds can be configured to contain only a subset of docket entry types. This is currently the case at 25 district courts and 30 bankruptcy courts.¹ We want to ensure that when the AO guidance goes out, it specifically encourages courts to enable *complete* feeds containing all types of filings.

According to the recently-published notes from the June PACER User Group meeting, this appears to be the plan, but I write to ensure that my understanding is correct. The notes from the meeting state that the AO will, "conduct outreach this summer to encourage all federal courts" to "*fully and consistently implement RSS feeds*"² (emphasis added).

1 <https://www.courtlistener.com/help/alerts/#coverage-gaps>

2 https://www.uscourts.gov/sites/default/files/epa_public_user_group_conference_call_minutes_june_2020_0.pdf

There is a world of difference between complete and partial feeds. One such advantage is that when feeds are complete, they are consistent across jurisdictions. That means that the people who use and rely on the various feeds do not have to remember what is available from each court, because everything is simply available everywhere. By contrast, when partial feeds are configured, users have to remember which feeds provide which entry types, and have to adjust their work accordingly. They must ask themselves questions like:

“Does the Massachusetts feed include orders or just initial complaints?”

“Will I learn about cases as they come out in the Northern District of Texas or do I have to wait until there’s an order in that jurisdiction?”

These kinds of questions, created by differences between jurisdictions, make legal practice more difficult for those that study, follow, or work in more than one jurisdiction. Such differences are often unnecessary, and we hope that by making all feeds complete, we can avoid these jurisdictional differences in RSS feeds going forward.

Complete RSS feeds also enable reliable workflows and tools. When the feeds are complete, local reporters can 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. When feeds are complete, tools like the Big Cases Twitter bot are possible.³ Big Cases monitors federal cases of public interest and in jurisdictions where RSS feeds fully are enabled, Big Cases uses those feeds to identify important filings, which it then purchases and shares 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. Some of these workflows and tools are possible in a limited sense when there are partial feeds, but none of them work well unless feeds are complete.

The second consideration on this topic that I wish to share is my organization’s interest in helping to quickly bring this feature to all of the federal courts. If there is any opportunity for us to work together on this project or for my organization to help the AO or the courts to make this a reality, we are here at your disposal. We

3 https://twitter.com/big_cases

would love to know how we can help, if we can, and we would be pleased to discuss this issue further if that would be of value to you.

Thank you,

A handwritten signature in black ink, appearing to read "Michael Lissner", with a long horizontal line extending to the right.

Michael Lissner
Executive Director
Free Law Project

CC: Director John S. Cooke
Director James Duff
Mr. Robert Lowney