

**Congress of the United States**  
**Washington, DC 20515**

September 17, 2014

The Honorable John D. Bates  
Director  
Administrative Office of the Courts  
One Columbus Circle, NW  
Washington, D.C. 20544

Dear Judge Bates:

We are writing to express our concern with the Administrative Office of the Courts' (AO) recent announcement that several decades of case files have been removed from the Public Access to Court Electronic Records (PACER) system of four U.S. Appellate courts and a U.S. Bankruptcy court.

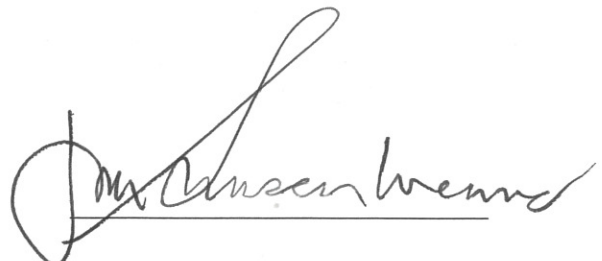
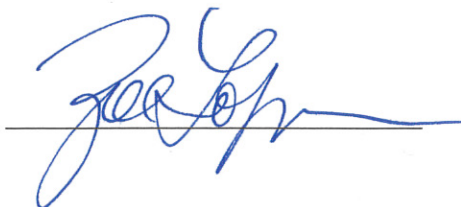
While the AO has stated that this is due to compatibility issues between the old case file format and the NextGen PACER system coming online, we urge the AO to ensure that this information is hosted on the new system, or in the alternative, made available electronically to the public by other means.

Low-cost, online, public access to important briefs, court orders, and written opinions is not only necessary for legal practitioners, but also provides immense public benefit by giving access to historians, academics, journalists, and pro se litigants. In a democracy, the integrity of our laws, and the court's adjudication of them, can only be upheld when a court's decisions and reasoning are made available for public comment and critique.

We understand that the nonprofit Internet Archive has offered to host the removed case files, and provide public access to them for free. We ask that you keep us informed of the AO's progress as this offer is evaluated.

Finally, it is our understanding that both the removal of these old case files and the upgrade of the PACER system were undertaken without comment from the public. Request for Comments (RFCs) are an invaluable tool in evaluating the effectiveness of a program and developing innovative improvements. We urge the AO to take advantage of the benefits of RFCs by requesting public comment on the current upgrade to NextGen system, as well as, commit to issuing RFCs in the future when changes to this important system are being considered.

Sincerely,



Ed Vattetz UT-3

Lynda Bue

Maureen Eshoo  
Thomas Massie