

# EXHIBIT H

AN APPEAL TO THE COURT  
BEFORE THE U.S. COURT OF APPEALS FOR THE NINTH CIRCUIT  
RICHARD H. CHAMBERS U.S. COURT OF APPEALS BUILDING  
JUNE 23, 2010, PASADENA, CALIFORNIA

1 Chief Judge Kozinski and Honorable Members of the  
Court,

2 Thank you for this opportunity to appear before you  
today.

3 My name is Carl Malamud, and I am President of  
Public.Resource.Org, a 501(c)(3) nonprofit corporation  
with a charter of making government more widely  
available.

4 We were responsible for placing a 50-year archive of  
decisions from the Court of Appeals on the Internet for use  
at no charge and with no restrictions on use, an archive  
which we then supplemented with 281 volumes of the first  
series of the Federal Reporter, as well as the Federal  
Cases.

5 We were also responsible for conducting audits of  
Court of Appeals opinions and PACER documents for  
violations of the privacy rules of the Judicial Conference.

6 Since January, we have worked with co-convenors at  
major law schools around the country—including Stanford,  
Berkeley, Harvard, and Yale—to conduct a series of 15  
workshops under the theme of “Law.Gov.”

7 Law.Gov is an idea, an idea that the primary legal  
materials of the United States could be made more readily  
available.

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8           The basic proposition we have examined is bulk access  
via the Internet to primary legal materials at all levels of  
government and across all branches.

9           This is not about the creation of a single repository or  
web site, it is about the standards governmental  
institutions should individually strive for, allowing for-  
profit and non-profit uses to thrive, without artificial  
barriers to access.

10          Law.Gov has been strictly nonpartisan. The chief  
executives of both the Federalist Society and the American  
Constitution Society have participated in Law.Gov  
workshops. This open process has included strong  
participation from industry, including the CEOs of  
LexisNexis, Fastcase, and Justia.

11          This national conversation has also had strong  
participation from government, including the Law  
Librarian of Congress, the Archivist of the United States,  
the Chairman of the Administrative Conference of the  
United States, White House officials and members of  
Congress, and officials from all three branches of state  
governments.

12          Perhaps most importantly, this dialogue has had the  
enthusiastic backing of law librarians across the country,  
with 195 librarians volunteering to help conduct a National  
Inventory of Legal Materials and 5 past presidents of the  
American Association of Law Libraries participating in the  
workshops.

13          The Law.Gov workshops concluded last week at the  
Harvard Law School, where we reached consensus upon 10

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basic principles that will form the basis for a report to be issued this fall.

14        Officials from the Executive and Legislative branches have requested a copy of this report, and we would be pleased to offer a copy to you if it should please the Court.

15        On behalf of Public.Resource.Org, in cooperation with my colleagues at the Stanford, Berkeley, Harvard, and Cornell Law Schools, as well as other locations, I would like to make a second offer to the Court, and that is to furnish to you late this year or early next year with a disk drive.

16        The disk drive would contain the complete opinions of this Court from 1891 on, as well as all or most of the briefs and other relevant information.

17        Technically speaking, the opinions would be properly formatted in HTML with an accompanying PDF version, and all files would include proper metadata and other information conforming to standards and recommendations from groups such as the American Bar Association and the American Association of Law Libraries.

18        Working with law students and librarians, we would perform an extensive audit of the opinions to verify that the electronic and paper versions match.

19        The Court would be under no obligation to do anything with this disk drive, but if the Court is satisfied with the information furnished, you could consider digitally signing the data and perhaps offering the complete archive on the Court's web site.

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20 I would like to thank you again for this opportunity to appear before you, and would be pleased to answer any questions.