



DEPARTMENT OF THE ARMY
UNITED STATES ARMY LEGAL SERVICES AGENCY
901 NORTH STUART STREET
ARLINGTON, VA 22203-1837

June 29, 2009

Office of the Commander

Mr. Carl Malamud
Public.Resource.Org
1005 Gravenstein Highway, North
Sebastopol, CA 95472

Dear Mr. Malamud:

This letter responds to your Freedom of Information Act request dated May 20, 2009, which was addressed to the Chief of the U.S. Army's Freedom of Information Act Office and subsequently forwarded to this agency, the U.S. Army Legal Services Agency. This agency has located Army records responsive to your request.

Attached are the documents contained within our system of records, in its entirety, which includes budget information maintained by our Administrative Office. These documents have been reviewed, cleared for release, and are being forwarded to you. No fees are being requested from our office for this service.

Sincerely,

A handwritten signature in black ink, appearing to read "Janine P. Felsman", is positioned above the typed name and title.

JANINE P. FELSMAN
Major, U.S. Army
Assistant Executive Officer

Copy Furnished:
U.S. Army Freedom of Information
and Privacy Office

Felsman, Janine MAJ MIL USA OTJAG

From: Martin, Jeffrey CW3 MIL USA OTJAG
Sent: Wednesday, June 17, 2009 1:06 PM
To: Felsman, Janine MAJ MIL USA OTJAG
Cc: Wilson, Paul S COL MIL USA OTJAG
Subject: Fw: FOIA Request: PACER System S: 16 June 09 (UNCLASSIFIED)
Attachments: PACER.PDF

FYSA.

v/r,
CW3 Martin

Sent from my Blackberry wireless device

----- Original Message -----

From: Fortson, Crista L Ms CIV USA OTJAG
To: Dent, Rhonda I Ms CIV USA HQDA RS-W
Cc: Wagner, Aaron A MAJ MIL USA OTJAG; Martin, Jeffrey CW3 MIL USA OTJAG
Sent: Wed Jun 17 12:51:39 2009
Subject: FW: FOIA Request: PACER System S: 16 June 09 (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

*NOTICE: Message body content downgraded from previous markings UNCLASSIFIED//FOUO by fortsoncl

*NOTICE: Attachment downgraded from previous markings UNCLASSIFIED//FOUO by fortsoncl

USALSA has no contract with PACER, the bill is paid by IMPAC.

FY07 - \$10,129.52, FY08 - \$7,327.92, FY09 - \$4,876.00

This is all the information I could come up with, please let me know if any of this answer your questions.

Thanks,

CRISTA L. FORTSON
Budget Analyst Supervisor
US Army Legal Services Agency
Ofc - 703-588-6374, DSN 425
BB - 571-723-1920
Fax - 703-696-8414, DSN 426
FortsonCL@conus.army.mil
Crista.Fortson@us.army.mil

-----Original Message-----

From: Wagner, Aaron A MAJ MIL USA OTJAG
Sent: Wednesday, June 17, 2009 7:40 AM
To: Martin, Jeffrey CW3 MIL USA OTJAG; Fortson, Crista L Ms CIV USA OTJAG; Hernandez, Doris G Ms CIV USA OTJAG
Cc: Felsman, Janine MAJ MIL USA OTJAG; Wilson, Paul S COL MIL USA OTJAG
Subject: Re: FOIA Request: PACER System S: 16 June 09 (UNCLASSIFIED)

Please do not send to me, I am not the IDA for USALSA. All of this needs to go to the USALSA IDA. MAJ Felsman can hopefully tell you who that is Jeff, et al. Thanks.

Sent using BlackBerry

----- Original Message -----

From: Martin, Jeffrey CW3 MIL USA OTJAG
To: Fortson, Crista L Ms CIV USA OTJAG; Hernandez, Doris G Ms CIV USA OTJAG
Cc: Wagner, Aaron A MAJ MIL USA OTJAG; Felsman, Janine MAJ MIL USA OTJAG; Wilson, Paul S COL MIL USA OTJAG
Sent: Wed Jun 17 07:37:44 2009
Subject: FW: FOIA Request: PACER System S: 16 June 09 (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: FOUO

Crista,

I really need you to pull together whatever info you can provide on this and send to MAJ Wagner ASAP. Doris, could you find out who uses PACER (I think it is LitDiv) and ask them to provide whatever info they can IAW the request and send to MAJ Wagner as well.

MAJ Wagner: I assume you will want to act as the central collector for all the info since we have many different offices? If not, please just respond for folks to go straight to Ms. Dent. Finally, as I pasted below, I sent an email yesterday to the OGC POC who may have something.

v/r
Chief

-----Original Message-----

From: Martin, Jeffrey CW3 MIL USA OTJAG
Sent: Tuesday, June 16, 2009 5:10 PM
To: Mitchell, Nathan L Mr CIV USA OGC
Subject: Fw: FOIA Request: PACER System S: 16 June 09

Sir,

I spoke with CW3 Nelson and she said I should forward this to you to see if you had any info. Thank you.

v/r,
CW3 Martin

Sent from my Blackberry wireless device

-----Original Message-----

From: Dent, Rhonda I Ms CIV USA HQDA RS-W
Sent: Tuesday, June 16, 2009 3:49 PM

To: Wagner, Aaron A MAJ MIL USA OTJAG; Martin, Jeffrey CW3 MIL USA OTJAG; Felsman, Janine MAJ MIL USA OTJAG

Subject: RE: FOIA Request: PACER System S: 16 June 09

Hi Everyone,

I am checking the status of this suspense. Not sure who actually picked it up and will respond but the suspense is COB today. Please let me know who has the data call and what the status is as soon as possible. Thank you.

Rhonda

-----Original Message-----

From: Wagner, Aaron A MAJ MIL USA OTJAG

Sent: Thursday, June 11, 2009 9:14 AM

To: Martin, Jeffrey CW3 MIL USA OTJAG; Felsman, Janine MAJ MIL USA OTJAG

Cc: Dent, Rhonda I Ms CIV USA HQDA RS-W

Subject: FW: FOIA Request: PACER System S: 16 June 09

Jeff / Janine,

I'm not sure who the right person is, but can you please pass this to the correct FOIA person within USALSA to gather this information for Ms. Dent? They can respond directly to Ms. Dent with this information. Thank you.

v/r

Aaron

v/r

AARON A. WAGNER

MAJ, JA

Assistant Executive Officer

Office of The Judge Advocate General

Rosslyn, VA 22209

703.588.6791

-----Original Message-----

From: Dent, Rhonda I Ms CIV USA HQDA RS-W

Sent: Wednesday, June 10, 2009 4:26 PM

To: Wagner, Aaron A MAJ MIL USA OTJAG

Subject: FOIA Request: PACER System S: 16 June 09

MAJOR Wagner, did you find out any information about the PACER system from OGC? We will need all records in any format pertaining to costs, contracts, agreements, and materials related to the PACER system run by the Administrative Office of the Courts, dating from the year 2000 to date to include future fiscal years. Please also include any records between U.S. Army management and attorneys concerning curtailment or limitations of the PACER system and other commercial information systems due to cost.

Suspense for this action is 16 June 09.

If you have any questions please let me know and I will be happy to assist.

Rhonda I. Dent

Sr Program Analyst

Programs and Formulation Division
HQDA, Resource Services Washington (OA22)
703-602-4184 (ph)
703-602-6042 (fax)

Classification: UNCLASSIFIED
Caveats: FOUO

Classification: UNCLASSIFIED
Caveats: FOUO

Classification: UNCLASSIFIED
Caveats: NONE

Hernandez, Doris G Ms OTJAG

From: Hernandez, Doris G Ms OTJAG
Sent: Wednesday, April 19, 2006 8:14 AM
To: Patterson, Margaret K Ms OTJAG
Cc: Moreau, Alfred E Mr OTJAG
Subject: Contract Question (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Ma'am

I have a quick question on a service that our agency currently uses and want to be very sure we are not required to execute a contract. Right now we MIPER the monies to the account. It is over \$2500.00 per year. Just so you'll know, I have already contacted Derwin Rush, Contracting Business Div--B, CCE, and he advised we are not required to do a contract.

It is PACER, an on-line service through the Federal Court System that provides access to active and dormant files litigation. It is used by our attorneys in Litigation Division, Environmental Law Division, and Contract Appeals Division. The Federal Court is the ONLY agency to provide the service--there is no outside source that does this.

Contract Appeals and Litigation Division needs rapid access to keep up w/cases and court filings in their work w/Assist US Attorney's offices throughout the US and to what protesters file on the system to write briefs for DOJ, and rapid access to the electronic attachments and exhibits.

Access is granted by one user ID and log on for the agency and the bills go straight to Budget.

Mr. Rush, CCE, advised that even though it is over \$2500.00 per year, it is only offered by a government agency so MIPERING the monies is fine.

Our Budget Analyst is insisting I have to do a contract--even after I contacted CCE.

I just want to do this correctly.

I am sending a separate e-mail w/info on PACER.

If you could possibly get me an answer this week, I would really appreciate your time.

Thanks--e-mail attachments to follow

Doris G. Hernandez
Admin Officer/Security Mgr
USALSA Admin
(703)588-6394

Classification: UNCLASSIFIED

Caveats: NONE

4/19/2006

Hernandez, Doris G Ms OTJAG

From: Hernandez, Doris G Ms OTJAG
Sent: Wednesday, April 05, 2006 4:20 PM
To: Coe, Gregory B COL OTJAG; Perrone, Paul J MAJ OTJAG
Cc: Yee, Donald K CW5 OTJAG
Subject: PACER ON-LINE SERVICE (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

COL Coe

Mr. Derwin Rush, Chief, Contracting, CCE, called me back re the PACER Account. Since this is the **only system to provide this service** and because it is part of the Federal Court System (government), there is absolutely no reason/requirement to do a contract. Especially since we have an account and can simply MIPER the money.

Doris G. Hernandez
Admin Officer/Security Mgr
USALSA Admin
(703)588-6394

Classification: UNCLASSIFIED

Caveats: NONE

4/19/2006

Hernandez, Doris G Ms OTJAG

From: Hernandez, Doris G Ms OTJAG
Sent: Wednesday, April 05, 2006 9:49 AM
To: Rush, Derwin D Mr CCE
Subject: Contract Issue Question (UNCLASSIFIED)

Classification: **UNCLASSIFIED**

Caveats: NONE

Mr. Rush

COL Coe, our Executive Officer, asked me to contact you regarding a service this agency uses and if we should be using a "contract" to procure this service--we are thinking no, but want to be sure.

Our Litigation Division and Contract Appeals Division (CAD) uses an on-line system. It is a PACER account. It is an on-line service through the Federal Court System that provides access to active and dormant files litigation. Especially active. CAD needs rapid access to keep up with cases and court filings in their work with the Assist US Attorney's offices throughout the US. CAD needs rapid access to what protesters file on the system to write briefs for DOJ. CAD needs rapid access to the electronic attachments and exhibits.

Since this is a Federal Court System, we are wondering if a Contract is appropriate. We currently have an account, but this system is over \$2500.00.

Thanks, if you need to know more, I can send you some of the notes from the Division regarding use. We have several attorneys in Lit Div and CAD that use this system w/a generic password.

Doris G. Hernandez
Admin Officer/Security Mgr
USALSA Admin
(703)588-6394

Classification: **UNCLASSIFIED**

Caveats: NONE

4/19/2006

Hernandez, Doris G Ms OTJAG

From: Hernandez, Doris G Ms OTJAG
Sent: Thursday, April 13, 2006 10:11 AM
To: Coe, Gregory B COL OTJAG; Rob, Samuel J COL OTJAG
Cc: Decker, James E Mr OTJAG; Williams, Kelly P Ms OTJAG; Johnson, Burnette P Ms OTJAG
Subject: PACER Account CAD (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Sirs

Re COL Rob's request that CAD get individual accounts for PACER (I have talked to Jim and Kelly Williams about this):

Litigation Division has a USER account and password that is for the agency--it is not one single individual's password/log on. It is currently used by Lit Div and ELD.

Kelly Williams, Lit Div, forwards the bills to Burnette Johnson for payment (bills based on usage).

Kelly is forwarding some info on PACER to Jim and will provide him the Agency Log on and password for CAD's use--Jim Decker will be the central POC managing the use for CAD.

If there are any questions or concerns, pls let me know.

Thanks.

Doris G. Hernandez
Admin Officer/Security Mgr
USALSA Admin
(703)588-6394

Classification: UNCLASSIFIED

Caveats: NONE

4/13/2006

Hernandez, Doris G Ms OTJAG

From: Hernandez, Doris G Ms OTJAG
Sent: Friday, April 28, 2006 1:36 PM
To: Coe, Gregory B COL OTJAG
Cc: Yee, Donald K CW5 OTJAG; Perrone, Paul J MAJ OTJAG
Subject: FW: pacer (UNCLASSIFIED)

Attachments: pacer.pdf



pacer.pdf (81 KB)

Classification: UNCLASSIFIED

Caveats: NONE

PACER--paying bills

Sherry had the attached bill. Burnette gave it to her to make payment by credit card.

Let me mention too, if we found out IF we cannot MIPER the money, then we can do a MOD (miscellaneous obligation document)--that is per Risa. According to Risa, MODs are done quite often.

I called Ralph Gutierrez, Supervisor, at 1-800-676-6856, who stated that while he is NOT familiar with either a MIPER or MOD that as long as it is an "obligation of funds", that it should be an internal issue w/his budget folks and our budget folks and should be do-able--he is over the entire day-to-day operations.

Pls let me know if there is anything else you want me to do.

-----Original Message-----

From: Hernandez, Doris G Ms OTJAG
Sent: Friday, April 28, 2006 11:18 AM
To: Hernandez, Doris G Ms OTJAG
Subject: pacer

Please open the attached document.
This document was sent to you using an HP Digital Sender.

Sent by: HERNANDEZ <Doris.Hernandez@hqda.army.mil>
Number of pages: 1
Document type: B/W Document
Attachment File Format: Adobe PDF

To view this document you need to use the Adobe Acrobat Reader.
For free copy of the Acrobat reader please visit:

<http://www.adobe.com>

For more information on the HP Digital Sender please visit:

<http://www.digitalsender.hp.com>

Classification: UNCLASSIFIED

Caveats: NONE

5
27/04/06

PACER SERVICE CENTER

U.S. COURTS - PACER • P.O. BOX 277773 • ATLANTA, GA 30384-7773

LOGIN ID:	US6716	Burnette Johnson
BILLING DATE:	04/06/2006	U.S. Army Legal Services Agency
BILLING CYCLE:	1/01/06-3/31/06	703-588-6608
PAGE:	1	

PAYMENT INSTRUCTIONS

Please do not send cash. We accept checks, money orders, Discover, Visa, Master Card, and American Express. Make checks drawn on a U.S. bank in U.S. dollars payable to: **PACER Service Center** and indicate the login ID on your check. For your information, the PACER Service Center's Federal tax identification number is **74-2747938**. To make payment by credit card, change account information, or view transaction details for this statement, visit the "Account Information" Section of the PACER Service Center web site at <http://pacer.psc.uscourts.gov>.

If you believe there is an error on your statement or if you have a question concerning a transaction, please write to PACER Service Center, P. O. Box 780549, San Antonio, TX 78278. All credit requests must be submitted in writing. You may fax your request to the PACER Service Center at (210) 301-6441. In your correspondence provide us with your name, login ID, and the dollar amount of the suspected error(s) together with a copy of the transactions in question. Please provide a reason for each credit being requested. When the PACER Service Center receives your request, you will be contacted by a representative.

We must hear from you no later than the due date. If we do not hear from you and your account becomes delinquent, you are subject to having the account disabled. The address below is for payments only. All other correspondence including address changes should be directed to the PACER Service Center, P.O. Box 780549, San Antonio, TX 78278. If you have any questions regarding this statement, you may contact the PACER Service Center at (800) 676-6856 or (210) 301-6440.

ACCOUNT SUMMARY

Number of Dial-Up PACER Transactions:	0
Dial-Up PACER Billing Rate:	\$.60 / Minute
Dial-Up PACER Total Time:	00:00:00
<u>Dial-Up PACER Charges:</u>	<u>\$0.00</u>
Number of PACER-Net Transactions :	6990
PACER-Net Billing Rate:	\$0.08 / Page
PACER-Net Total Web Pages:	22712
<u>PACER-Net Charges:</u>	<u>\$1816.96</u>

Previous Balance:	\$0.00
Current Charges:	\$1816.96
Total Amount Due:	\$1816.96

Please detach this portion and return with your payment. Thank you!

PACER

Public Access to Court Electronic Records

Visit <http://pacer.psc.uscourts.gov> for address changes!

LOGIN ID

US6716

DUE DATE

05/08/2006

AMOUNT DUE

\$1816.96

Mail Payment to:

PACER Service Center
P.O. Box 277773
Atlanta, GA 30384-7773



20054 T150 **AUTO**ALL FOR AADC 220
Burnette Johnson
U.S. Army Legal Services Agency
901 N Stuart St
Arlington VA 22203-1821

PUBLIC ACCESS TO COURT ELECTRONIC RECORDS

Hernandez, Doris G Ms OTJAG

From: Hernandez, Doris G Ms OTJAG
Sent: Wednesday, April 26, 2006 11:37 AM
To: Williams, Kelly P Ms OTJAG
Subject: PACER (UNCLASSIFIED)

Classification: **UNCLASSIFIED**

Caveats: NONE

Kelly

I need to contact someone about MIPERing monies to pay the PACER bills, do you have a POC for the bills?

Finally, I want to be very clear on one point, we have one log on and password for attorneys to use and PACER has no problems w/that? The name on the account?

Asking for XO.

Doris G. Hernandez
Admin Officer/Security Mgr
USALSA Admin
(703)588-6394

Classification: **UNCLASSIFIED**

Caveats: NONE

4/26/2006

Hernandez, Doris G Ms OTJAG

From: Coe, Gregory B COL OTJAG
Sent: Wednesday, April 26, 2006 9:35 AM
To: Hernandez, Doris G Ms OTJAG
Cc: Perrone, Paul J MAJ OTJAG
Subject: RE: Contract Question (UNCLASSIFIED)

I just told her that we will continue to pay the bills. Please come talk to me about this when you have some time.

Gregory B. Coe

GREGORY B. COE
Colonel, JA
Executive Officer, USALSA
☎ 703-588-6281/6269
☎ 703-696-8403
☎ 571-234-3843

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From: Hernandez, Doris G Ms OTJAG
Sent: Wednesday, April 26, 2006 7:54 AM
To: Coe, Gregory B COL OTJAG
Cc: Perrone, Paul J MAJ OTJAG; Yee, Donald K CW5 OTJAG
Subject: RE: Contract Question (UNCLASSIFIED)

Classification: **UNCLASSIFIED**

Caveats: NONE

I have a folder on PACER for back-up since we don't require a contract. Just in case something comes up later, but I assume the Budget Analyst has been told and will continue to pay the bills.

From: Coe, Gregory B COL OTJAG
Sent: Wednesday, April 26, 2006 7:39 AM
To: Hernandez, Doris G Ms OTJAG
Cc: Perrone, Paul J MAJ OTJAG; Yee, Donald K CW5 OTJAG
Subject: RE: Contract Question (UNCLASSIFIED)

... we do (I will). I told LTC Benjamin that I did not see the need to do one but with the new tasker requesting information on the use of non-DOD & MIPRs I think we should execute. Continue on with the PACER action and I hope to get one completed in the next week.

4/26/2006

Gregory B. Coe

GREGORY B. COE

Colonel, JA

Executive Officer, USALSA

☎ 703-588-6281/6269

☎ 703-696-8403

☎ 571-234-3843

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From: Hernandez, Doris G Ms OTJAG
Sent: Wednesday, April 26, 2006 7:32 AM
To: Coe, Gregory B COL OTJAG
Cc: Yee, Donald K CW5 OTJAG; Perrone, Paul J MAJ OTJAG
Subject: FW: Contract Question (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Written answer on PACER. Who prepares the D&F?

From: Patterson, Margaret K Ms OTJAG
Sent: Tuesday, April 25, 2006 9:46 AM
To: Hernandez, Doris G Ms OTJAG
Cc: Benjamin, Michael J LTC CALS
Subject: RE: Contract Question (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Doris,

I have no legal objection to the use of a MIPR, versus a contract, to obtain PACER access, provided the Administrative Office of the US Courts is willing to accept it. Since this is an Economy Act Order, you should prepare a D&F per FAR Part 17.5. Let me know if I can be of further assistance.
Peggy Patterson

From: Hernandez, Doris G Ms OTJAG
Sent: Wednesday, April 19, 2006 2:41 PM
To: Patterson, Margaret K Ms OTJAG
Subject: RE: Contract Question (UNCLASSIFIED)

4/26/2006

Classification: UNCLASSIFIED

Caveats: NONE

I really appreciate your time.

From: Patterson, Margaret K Ms OTJAG
Sent: Wednesday, April 19, 2006 2:40 PM
To: Hernandez, Doris G Ms OTJAG
Subject: RE: Contract Question (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Doris,

I will look into this and get back to you as soon as possible. Thanks,
Peggy

From: Hernandez, Doris G Ms OTJAG
Sent: Wednesday, April 19, 2006 8:14 AM
To: Patterson, Margaret K Ms OTJAG
Cc: Moreau, Alfred E Mr OTJAG
Subject: Contract Question (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Ma'am

I have a quick question on a service that our agency currently uses and want to be very sure we are not required to execute a contract. Right now we MIPER the monies to the account. It is over \$2500.00 per year. Just so you'll know, I have already contacted Derwin Rush, Contracting Business Div--B, CCE, and he advised we are not required to do a contract.

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Contract Appeals and Litigation Division needs rapid access to keep up w/cases and court filings in their work w/Assist US Attorney's offices throughout the US and to what protesters file on the system to write briefs for DOJ, and rapid access to the electronic attachments and exhibits.

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Our Budget Analyst is insisting I have to do a contract--even after I contacted CCE.

I just want to do this correctly.

4/26/2006

I am sending a separate e-mail w/info on PACER.

If you could possibly get me an answer this week, I would really appreciate your time.

Thanks--e-mail attachments to follow

Doris G. Hernandez
Admin Officer/Security Mgr
USALSA Admin
(703)588-6394

Classification: UNCLASSIFIED

Caveats: NONE

Classification: UNCLASSIFIED

Caveats: NONE

Classification: UNCLASSIFIED

Caveats: NONE

Classification: UNCLASSIFIED

Caveats: NONE

Classification: UNCLASSIFIED

Caveats: NONE

Classification: UNCLASSIFIED

Caveats: NONE

4/26/2006



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
UNITED STATES ARMY LEGAL SERVICES AGENCY
901 NORTH STUART STREET
ARLINGTON VA 22202-1837

JALS-CA

22 March 06

MEMORANDUM FOR Burnette Johnson, U.S. Army Legal Services Agency (USALSA), 901 N. Stuart Street, Arlington, Virginia 22203

SUBJECT: Request for PACER Account Activation – Contract Appeals Division (CAD)

1. Reference memorandum, USALSA, Litigation Division (LITDIV), 30 May 01, subject: Delegation of Litigation Responsibility for Certain Bid Protests and for Appeals of Decisions of the Armed Services Board of Contract Appeals. (Encl 1)
2. Reference General Order No. 42A, U.S. Court of Federal Claims (COFC), 4 Nov 04, subject: Interim Procedures for Electronic Case Filing. (Encl 2)
3. Reference Announcement, COFC, undated, subject: Electronic Filing (ECF) Announcement – All New Bid Protest Cases to be ECF. (Encl 3)
4. Case Management/Electronic Case Files (CM/ECF) is a joint project of the Administrative Office of the U.S. courts and the federal courts to replace existing case management systems with a new system based on current technology, new software and increased functionality. This new system allows the federal courts to offer web access to each court's docket 24 hours a day, 7 days a week and allows electronic document filing in designated cases. While there is no fee to file documents using the CM/ECF system, access to view documents is available through the Public Access to Court Electronic Records (PACER) System for a fee. (See <http://pacer.psc.uscourts.gov/pacerdesc.html>) The current fees for PACER usage apply to documents and reports viewed through CM/ECF. As of January 1, 2005 the fee is \$.08 per page, up to \$2.40 per document.
5. Pursuant to General Order No. 42A of the COFC, after May 1, 2006, bid protest filings will primarily be filed and stored electronically with the COFC using CM/ECF. After filing, documents must be viewed using PACER. As a result, CAD attorneys who handle bid protests before the COFC will require access to the PACER system in order to track cases and communicate with assigned DOJ counsel regarding documents. Of note, CAD attorneys handling appeals in conjunction with DOJ before the U.S. Court of Appeals for the Federal Circuit can also utilize CM/ECF and PACER.
6. CAD requests that USALSA initiate six PACER user accounts. Accounts can be registered and activated through the following web site:

JALS-CA


SUBJECT: Request for PACER Account Activation – Contract Appeals Division (CAD)

<http://pacer.psc.uscourts.gov/register.html>. Those accounts should be set up in the names of the following individuals:

- a. COL Samuel Rob
- b. Mr. Craig Clarke
- c. Mr. Raymond Saunders
- d. Mr. Karl Ellcessor
- e. Mr. Peter Pontzer
- f. Mr. Scott Flesch

7. LITDIV attorneys have had access to PACER for at least the last three years. In the past, CAD attorneys have had to rely upon borrowed passwords and usernames during that timeframe. However, this has proved to be an unreliable method of tracking cases due to changing personnel and usernames and passwords.

8. POC for this memorandum is James Decker at 703-696-2842 or via e-mail at james.decker@hqda.army.mil.


SAMUEL J. ROB
COL, USA
Chief Trial Attorney

Electronic Filing (ECF) Announcement

All New Bid Protest Cases to be ECF

Effective Monday, May 1, 2006, all newly-filed bid protest cases will be deemed electronic (ECF) cases in the United States Court of Federal Claims' Case Management/Electronic Case Filing System (CM/ECF). CM/ECF has been in use for approximately three years and now covers virtually all newly-filed cases in the court, including the wide majority of government contract cases. Filings under the system are governed by General Order 42A, (go to <http://www.uscfc.uscourts.gov/rules.htm>).

While concerns regarding the protection of trade information have caused the court to go slowly in terms of deeming bid protest cases as electronic cases, CM/ECF, in fact, contains several security features that allow documents to be filed under seal and viewed only by the attorneys who properly should have access. See General Order 42A, ¶ 7 on filing documents under seal. These features of the CM/ECF have been extensively tested and are being used in other cases in which sealed documents are regularly filed.

Like all CM/ECF cases, the complaint in bid protest cases will continue to be filed in paper form. Pre-filing notices and any motions or documents accompanying the complaint also should be filed in paper. See General Order 42A, ¶ 2. Counsel should also note that General Order 42A contains provisions that apply to the filing of large appendices and records. See General Order 42A, ¶¶ 3-5. Consistent with these procedures, with leave of the court, the filing of an administrative record may be accomplished using, for example, a CD-Rom or DVD.

The Court encourages all attorneys who do not have a CM/ECF account with this Court to apply for your account as soon as possible – go to <http://www.uscfc.uscourts.gov> and click on the Electronic Filing link. The Court also recommends that you download the User Manual for Attorneys and review it before taking the certification exam. Click on the User's Manual and Documentation link and then click on the User Manual for Attorneys link on the following web page to download it. Please save the manual to your computer. After you review the User Manual for Attorneys, go back to the Court's web site, select the Electronic Filing section, and click on the CM/ECF Account Registration link to take the certification exam and electronically submit your registration form. Also, please take note that, in order to register, you must be a member in good standing of the United States Court of Federal Claims Bar.

If you have any questions, please feel free to contact the Clerk's Office CM/ECF Help Desk at (202) 357-6402 or the toll-free number 1-866-784-6273.

Hernandez, Doris G Ms OTJAG

From: Hernandez, Doris G Ms OTJAG
Sent: Wednesday, April 19, 2006 8:16 AM
To: Patterson, Margaret K Ms OTJAG
Cc: Moreau, Alfred E Mr OTJAG
Subject: FW: pacer (UNCLASSIFIED)

Attachments: pacer.pdf



pacer.pdf (353 KB)

Classification: UNCLASSIFIED

Caveats: NONE

Here are the attachments w/info on the PACER ACCESS.

Again, we, as an Agency, have one generic user log on and ID that is provided to the appropriate user for each division--we control it very carefully. Budget gets a monthly bill and MIPERS the monies.

-----Original Message-----

From: Hernandez, Doris G Ms OTJAG
Sent: Wednesday, April 19, 2006 6:03 AM
To: Hernandez, Doris G Ms OTJAG
Subject: pacer

Please open the attached document.

This document was sent to you using an HP Digital Sender.

Sent by: HERNANDEZ <Doris.Hernandez@hqda.army.mil>
Number of pages: 7
Document type: B/W Document
Attachment File Format: Adobe PDF

To view this document you need to use the Adobe Acrobat Reader.
For free copy of the Acrobat reader please visit:

<http://www.adobe.com>

For more information on the HP Digital Sender please visit:

<http://www.digitalsender.hp.com>

Classification: UNCLASSIFIED
Caveats: NONE



REPLY TO
ATTENTION OF

DAJA-LT (27-40b)

DEPARTMENT OF THE ARMY
OFFICE OF THE JUDGE ADVOCATE GENERAL
901 NORTH STUART STREET
ARLINGTON, VA 22203-1837



30 May 2001

MEMORANDUM FOR Chief Trial Attorney, U.S. Army Contract Appeals Division,
901 N. Stuart St., Arlington, VA 22203-1781

SUBJECT: Delegation of Litigation Responsibility for Certain Bid Protests and for Appeals of
Decisions of the Armed Services Board of Contract Appeals

1. Primary responsibility for litigation is delegated to your Division for bid protests filed in the U.S. Court of Federal Claims that are preceded by a similar protest to the General Accounting Office for which your Division has responsibility.

a. Your assigned attorney in each case should promptly contact the Department of Justice attorney responsible for the case. The attorney should prepare a litigation report if requested by the Department of Justice, in accordance with paragraph 3-9, AR 27-40.

b. We do not require copies of litigation reports, pleadings or other documents. We do, however, request a copy of the Complaint filed in each case and copies of any decisions or orders the court enters disposing of a case, in whole or in part (or a copy of the order dismissing the suit upon settlement). In lieu of a copy of the Complaint and final order in a case, it is acceptable to notify this Division informally when a case is received by your office and that our office have reciprocal access to any electronic case management application your office employs to monitor these cases.

c. This delegation extends to any appeal to the U.S. Court of Appeals for the Federal Circuit that may be subsequently pursued by any party.

2. This memorandum also serves to acknowledge the existing practice that your Division has primary litigation responsibility for appeals to the U.S. Circuit Court of Appeals for the Federal Circuit from decisions of the Armed Services Board of Contract Appeals.

3. We request that your assigned attorneys keep the General Litigation Branch generally apprised of the status of cases with immediate notification of any significant developments and the ultimate disposition of the case. Please notify this office immediately if it appears that any case delegated to your office presents novel or important questions of law or policy that might make involvement by this office appropriate, or if it appears at any point that this case presents important issues affecting Army operations.

DAJA-LT (27-40b)

SUBJECT: Delegation of Litigation Responsibility for Certain Bid Protests and for Appeals of Decisions of the Armed Services Board of Contract Appeals

4. Our point of contact for this delegation of responsibility is Chief, General Litigation Branch, who will work with your office to monitor delegated cases and who is available to assist with any questions which may arise during litigation.

FOR THE JUDGE ADVOCATE GENERAL:

A handwritten signature in black ink, appearing to read "Uldric L. Fiore, Jr.", is written over the printed name.

ULDRIC L. FIORE, JR.
COL, JA
Chief, Litigation Division

In the United States Court of Federal Claims

GENERAL ORDER No. 42A

INTERIM PROCEDURES FOR ELECTRONIC CASE FILING

The following provisions, effective November 4, 2004, supersede General Order No. 2003-42, issued March 10, 2003. These provisions will eventually be superseded by a formal amendment to the court's rules.

For purposes of these provisions: "ECF System" means the court's system for electronic filing; "Filing User" or "ECF Filing User" means a member of the court's bar to whom the court has issued a log-in and password to file documents electronically using the ECF System; and a "filing" or an "ECF filing" means any document, paper, pleading, appendix, exhibit, or other matter that is submitted and filed electronically. In proceedings before this court under the National Vaccine Injury Compensation Program, the term "assigned judge" shall mean either a judge or special master of this court, as appropriate.

References to the RCFC are to the Rules of the United States Court of Federal Claims, as amended through August 1, 2004.

I. Scope of Electronic Filing

1. The court shall designate which cases shall be assigned to the ECF System ("ECF cases") and the Clerk shall notify counsel that their case has been so assigned. All ECF cases shall be listed on the court's website – <http://www.uscfc.uscourts.gov>. Except as provided below and in exceptional circumstances preventing a Filing User from filing electronically, every filing in an ECF case shall be made electronically using the ECF System.

2. The filing of initial papers, including the complaint, and the payment of any initial filing fee shall be accomplished in the traditional manner in accordance with the RCFC rather than electronically. For cases assigned to the ECF System, all subsequent filings shall be made electronically, except as provided below or as ordered by the assigned judge.

3. Unless otherwise ordered by the assigned judge, a Filing User shall submit in electronic form all documents referenced as exhibits or attachments. All documents with exhibits and attachments shall be filed together under one entry number and shall include only those excerpts of the referenced documents that are directly germane to the matter under consideration by the court. See paragraph 4 for size limitations. Excerpted material shall be clearly and prominently identified as such. Filing Users who file excerpts of documents as exhibits or attachments under this rule may timely seek leave to file additional excerpts or the complete document; responding parties may timely file additional excerpts that they believe are directly germane or the complete document.

4. An ECF filing (e.g., a brief or memoranda and an appendix) may be broken into

several Adobe PDF files. Unless otherwise ordered by the assigned judge, each such Adobe PDF file shall not exceed 2 megabytes in size. Counsel shall endeavor to limit the total number of Adobe PDF files constituting an ECF filing. The CM/ECF User Guide, available on the court's website, provides suggestions on how to minimize the size of scanned files. For files that would exceed this limitation, the Filing User shall seek appropriate relief from the assigned judge, who may, for example, authorize the filing in some other electronic format (*e.g.*, a CD-Rom) or in paper form.

5. Unless otherwise ordered by the assigned judge, where documents, including exhibits or attachments, would exceed 50 pages when printed, the Filing User shall supply chambers with a courtesy copy of the document in paper form. The assigned judge may order the parties to supply courtesy copies in paper form of any ECF filing.

6. Documents filed electronically under the National Vaccine Injury Compensation Program shall be placed under seal unless and until the assigned judge orders otherwise.

7. All other documents to be placed under seal shall not be filed electronically unless and until authorized by the assigned judge. A motion to file documents under seal may be filed electronically, unless prohibited by law. The documents to be filed under seal shall not be attached to the motion, but shall be filed after the motion is granted. The order of the assigned judge authorizing the filing of documents under seal may be filed electronically, unless prohibited by law.

II. Eligibility, Registration, Passwords, Exemption

8. An attorney admitted to the bar of this court may register as a Filing User using the form prescribed by the clerk, a copy of which is available on the court's website.

9. By registering as a Filing User, an attorney consents to electronic service of all filings.

10. Once registered, a Filing User will be notified of his or her user log-in and password. A Filing User shall protect the security of that password and immediately notify the clerk if it appears to have been compromised. A Filing User may be subject to sanctions for failure to comply with this provision.

11. Notwithstanding the foregoing, an individual not registered as a Filing User may, for good cause, seek to be exempted from submitting filings electronically, by filing an appropriate motion.

III. Consequences of Electronic Filing

12. Electronic transmission of a document to the ECF System consistent with this General Order, together with the transmission of a "Notice of Electronic Filing" from the court, constitutes filing of the document under RCFC 5 and entry of the document on the docket kept by the clerk under RCFC 58 and 79.

13. For ECF filings, the official record is the electronic recording of the document as stored by the court, and the filing party is bound by the document as filed. Except in the case of documents first filed in paper form and subsequently submitted electronically, an ECF filing is deemed filed on the date and at the time stated on the Notice of Electronic Filing transmitted by the court.

14. Unless otherwise ordered by the assigned judge, an electronic filing shall be completed before midnight local time in Washington, D.C., to be considered timely filed on that day.

IV. Signatures and Related Matters

15. The user log-in and password serve as the Filing User's signature on all ECF filings for all purposes, including those under RCFC 11.

16. If possible, each ECF filing shall, on the first page thereof, contain a banner stating that it was "Electronically Filed on [date]." ECF filings shall include a signature block in compliance with RCFC 11(a). As part of that block, the name of the Filing User under whose log-in and password the document is submitted shall be preceded by a "s/" and shall be typed in the space where the signature would otherwise appear. Alternatively, a party may file a scanned document that contains a written signature. A filing that does not comply with these signature requirements shall be deemed to violate RCFC 11 and may be stricken.

17. No Filing User or other person may knowingly permit or cause a Filing User's password to be used by anyone other than an authorized agent of the Filing User.

18. Documents requiring signatures of more than one party shall be filed electronically by: (1) submitting a scanned document containing all necessary signatures; (2) representing the consent of the other parties on the document; or (3) in any other manner approved by the assigned judge. For further guidance, *see* paragraph 29.

V. Service of Documents by Electronic Means

19. The ECF System automatically generates a Notice of Electronic Filing at the time a document is filed and automatically sends this notice to all case participants who are ECF Filing Users. As to case participants who are ECF Filing Users, the ECF System satisfies the service requirement of RCFC 5 and the proof of service requirement of RCFC 5.1. A participant in the case who is not an ECF Filing User shall be served with the Notice of Electronic Filing (but not the underlying filing) by e-mail, hand, facsimile, or first-class postage prepaid.

VI. Entry of Court Orders, Notice of Court Orders, Judgments, Appeal

20. All orders, opinions, judgments, and proceedings of the court in ECF cases shall be filed in accordance with this General Order, and such filing shall constitute entry on the docket kept by the clerk under RCFC 58 and 79. Such filings shall have the same force and effect as if

the assigned judge had affixed his or her signature to a paper copy thereof and it had been entered on the docket in the traditional manner.

21. When an order, opinion, or judgment is entered in an ECF case, the ECF System will concurrently and automatically transmit to the Filing Users in that case a Notice of Electronic Filing. This transmission constitutes the notice required by RCFC 77(d).

22. If an order specifies the due date for filing a document, that date shall control over any other filing deadline listed on the docket for that document.

23. A notice of appeal to the United States Court of Appeals for the Federal Circuit shall be filed, and fees paid, in the traditional manner in accordance with the RCFC, rather than electronically.

VII. Privacy

24. ECF Filing Users are advised that any personal information in an ECF Filing that is not otherwise protected will be made available over the Internet via Web Pacer. In compliance with the E-Government Act of 2002, a Filing User shall not include sensitive information in any ECF filing unless such inclusion is necessary and relevant to the case.

25. The following personal identifiers shall be excluded, or redacted where inclusion is necessary, from all ECF filings, unless otherwise ordered by the assigned judge:

(1) **Social Security numbers** – if an individual's Social Security number must be included in a pleading, only the last four digits of that number should be used;

(2) **Names of minor children** – if the involvement of a minor child must be mentioned, only the initials of that child should be used;

(3) **Dates of birth** – if an individual's date of birth must be included in a pleading, only the year should be used; and

(4) **Financial account numbers** – if financial account numbers are relevant, only the last four digits of these numbers should be used.

26. A Filing User may file an unredacted document containing the personal data identifiers listed above under seal, either upon the granting of the Filing User's motion, *see* paragraphs 6 and 7, or upon other order of the assigned judge. The unredacted document shall be retained by the court as part of the record. The assigned judge may, however, require the Filing User to file a redacted copy for the public file.

27. A Filing User should exercise caution when filing documents that contain any of the following:

- (1) A personal identifying number, such as a driver's license number;
- (2) Medical records, treatment and diagnosis;
- (3) Employment history;
- (4) Individual financial information;
- (5) Proprietary or trade secret information.

28. Counsel are strongly urged to share the information in paragraphs 24-27 with all clients so that an informed decision about including, redacting, or excluding certain materials may be made. It is the sole responsibility of counsel and the parties to ensure that all pleadings comply with the paragraphs of this order requiring redaction of personal identifiers. The clerk's office will not review each pleading for compliance with these provisions.

VIII. Retention, Technical Failure, Public Access

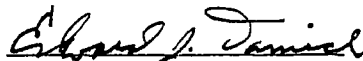
29. Documents that are filed electronically and require original signatures other than that of the Filing User (e.g., affidavits, joint status reports) shall be maintained in paper form by the Filing User until three years after all periods for appeal expire. On request of the assigned judge, the Filing User shall provide the original documents for review.

30. A Filing User whose filing is deemed untimely as the result of technical failure of the ECF System may seek appropriate relief from the assigned judge. Should the ECF System be inaccessible for any significant period of time, the clerk may deem the clerk's office inaccessible under RCFC 6.

31. The public may review ECF filings at the clerk's office. A person may also access the ECF System at the court's website – <http://www.uscfc.uscourts.gov> – by obtaining a PACER log-in and password. Information on how to obtain a PACER log-in and password is available either at <http://pacer.psc.uscourts.gov> or by calling (800) 676-6856.

Date: November 4, 2004

BY THE COURT


Edward J. Damich
Chief Judge