



14 September 2020

Keith Holland
Clerk of Court
Robert T. Matsui United States Courthouse
U.S. District Court for the Eastern District of California
4th Floor, Room 4-200
501 I St.
Sacramento, CA 95814

Richard Arendt
Director of IT
Robert T. Matsui United States Courthouse
U.S. District Court for the Eastern District of California
501 I St.
Sacramento, CA 95814

Re: Enabling complete PACER RSS feeds in the Eastern District of California

Dear Clerk Holland and Director Arendt:

We are writing to urge the District Court for the Eastern District of California to fully enable an existing feature of the PACER system: RSS feeds of all recent cases and filings in your jurisdiction. 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 am writing on behalf of a broad coalition of individuals and organizations that believe enabling this simple feature is important to transparency and public understanding of court activity.

Recently, at Free Law Project we completed a study of which federal courts provide a complete RSS feed of the recent cases and filings in their district. We found that although RSS feeds are a standard feature of the PACER system that allow the public to freely and efficiently learn about new filings and cases in federal courts, your District is the second biggest in the country by population that has it completely disabled. Of the seven federal courts in this country that are larger by population than the Eastern District of California, all but one of them has this feature fully enabled. We urge you to reconfigure your PACER system at your earliest con

venience so that it joins the other large federal courts in the country in sharing this vital resource.

Complete RSS feeds of recent filings let local reporters 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. For the general public, RSS feeds allow Americans to quickly learn when opinions and other case filings happen, a feature that CM/ECF allows for members of each local bar via email, but that is not generally allowed for members of the general public.

RSS feeds also enable tools like the Big Cases Twitter bot,¹ which monitors federal cases of public interest. In jurisdictions where RSS feeds 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.

Echoing these points, the importance of PACER RSS feeds came up during the first meeting of the PACER User Group, where the “[g]roup requested that courts be strongly encouraged by the [Administrative Office of the U.S. Courts] to turn on the RSS feature and provide full docket entry/activity feeds.”²

In a recent blog post, the Reporter’s Committee for Freedom of the Press, an influential association of reporters and editors, said that, “every court should implement a complete RSS feed as an efficient means of notifying the press and public about case developments.”³

We have not contacted your district on this topic before now, but for several years, we have contacted other courts to urge them to fully enable their feeds. Many have done so. In the past few weeks for example, the Central District for California and the District of Oregon have reconfigured their feeds to provide all recent filings. The Northern District of Texas enabled theirs for the first time. The District of Massachusetts says they will soon “significantly expand the categories of filings accessible on our RSS feed.”⁴ Judging from the outside, it appears such reconfigurations can be done by IT staff in a matter of hours.

1 https://twitter.com/big_cases

2 PACER User Group February 27-28, 2020 meeting summary, available at: https://www.uscourts.gov/sites/default/files/epa_publicusergroup_feb2020_mtgsummary_0.pdf

3 <https://www.rcfp.org/appeals-court-ruling-pacer-fees/>

4 Personal correspondence from D. Mass. Public Information Specialist Carolyn Meckbach, on file with Free Law Project.

While talking to the Clerks, IT staff, and Directors of Operations at these courts, we have heard a few responses that have been easily addressed:

1. **Objection:** Sealed content might be revealed.
Response: Sealed content does not appear in RSS feeds. This is demonstrated by the numerous courts that have their feeds fully enabled.
2. **Objection:** RSS feeds could undermine the Public Access Fee Schedule.
Response: Feeds do not provide access to dockets or PDFs, but merely provide an index that lists the existence of these items. If anything, access to RSS feeds should increase PACER revenue as interested parties learn about content they might not otherwise know existed.
3. **Objection:** RSS feeds may require more powerful servers to support.
Response: In discussions with courts, we have learned that the RSS feeds are normally configured to only update on a preset schedule, after which point the updated content is saved in a “cache” for future viewers. This smart approach from the creators of PACER means that RSS feeds are only updated infrequently, instead of every time they are downloaded. This limits the impact on court infrastructure.

Furthermore, 112 courts currently have RSS feeds enabled without limitation, including some of the busiest courts in the country. To the extent impact on court infrastructure is a concern, it can be easily addressed.

Taken altogether, it appears that enabling unrestricted RSS feeds is generally a simple and safe process once a decision has been made. Doing so creates tangible benefits for journalists, members of the public, and those that support them, like the undersigned.

We respectfully request that you consider enabling your district’s PACER RSS feed as soon as possible so that the public can benefit from greater access to this information.

If you should wish to discuss this further, we welcome further discussion.

Thank you,



Michael Lissner
Executive Director
Free Law Project

Additional Signatories

Media Organizations

ALM Media

Center for Investigative Reporting / Reveal

East Bay Times

Informed California Foundation / Open Vallejo

KQED News

The Mercury News

National Press Foundation

ProPublica

San Francisco Chronicle

The Valley Voice

Advocacy Organizations & Associations

ACLU Foundation of Northern California

Electronic Frontier Foundation

First Amendment Coalition

Fix the Court

Free Law Project

Northern California Association of Law Libraries

Law Libraries & Directors

Hugh & Hazel Darling Law Library
University of California, Los Angeles, School of Law

Robert Crown Law Library
Stanford Law School

Kristina J. Alayan
Law Library Director & Assistant Professor of Law
Howard University School of Law

Roger V. Skalbeck
Associate Dean for Library and Information Services
University of Richmond School of Law

Individuals

Melissa Bernstein
Library Director, Faust Law Library
Professor of Law, University of Utah

Seamus Hughes
Deputy Director
Program on Extremism
George Washington University

Elizabeth Joh
Martin Luther King Jr. Professor of Law
University of California, Davis, School of Law

Mark A. Lemley
William H. Neukom Professor, Stanford Law School
Director, Stanford Program in Law, Science, and Technology
Senior Fellow, Stanford Institute for Economic Policy Research

Pamela Samuelson
Richard M. Sherman Distinguished Professor of Law, Berkeley Law School
Director, Berkeley Center for Law & Technology
Co-Founder & President, Authors Alliance

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Gary T. Schwartz Distinguished Professor of Law
University of California, Los Angeles, School of Law