

## RESEARCH

### **'Oddly Interesting': PACER User Group Members Reflect on End of Inaugural Term, Welcome New**

#### **Members**

"I found The Administrative Office employees are good, honest public servants whose hands are completely tied behind their back because of the system they have," said Seamus Hughes with the Program on Extremism at George Washington University.

October 19, 2022 at 05:26 PM

**Brad Kutner** [→](#)

---

#### **What You Need to Know**

- The EPA Public User Group was created by AO in 2019 to give those who work with the software daily the chance to improve it.
- Larger improvements were often been rejected by the jurists who run their own, individual courts like a
- Former members are optimistic as new members come in for the group's second term.

Gabriella Sarnoff, assistant managing attorney at the Debevoise & Plimpton, has spent the better part of two decades in and out of PACER daily in an attempt to dig up filings for her clients.

"I find document management oddly interesting," said the attorney who spent her earliest years at Debevoise in their knowledge management department.

So when she got an email from the Administrative Office of the U.S. Courts announcing the Electronic Public Access Public User Group, a collection of media and legal experts that would gather to help find ways to improve federal courts' Public Access to Court Electronic Records system and other digital systems the courts use, she jumped at the chance.

"I walked in with an open mind. I also came at it from a specific area of the legal profession, so I knew other members would have other ideas," she said of early hopes for the group.

Now at the end of her two-year term, Sarnoff is saying goodbye to EPA Public User Group as a new class of [12 volunteers](#) come in. But she's also looking back at her tenure with mixed reviews.

"I think AO was very supportive, even if they had to come back and say, 'sorry, this can't happen.'" she said, echoing concerns lobbed by other members. And while EPA Public User Group members often praised the group's work and recommendations, they often found themselves limited by the Judicial Conference, the collection of rulemaking jurists led by U.S. Supreme Court Justice John Roberts, who would need to approve the recommendations but often rejected some of their most impactful requests.

[Created](#) by AO in 2019 and started in 2020, EPA Public User Group's goal was to offer a first-of-its-kind opportunity for those who work with the PACER to interact with the agency that runs it and the jurists who dictate how it's run in each of the 94 federal court districts.

"I'm glad I got to see how the sausage is made," said Seamus Hughes, deputy director of the Program on Extremism at George Washington University and another outgoing member of the group.

Hughes' work monitoring extremism, including tracking down warrants and criminal filings, has sent the researcher—both physically and digitally—to courts across the country. The difference in PACER access between courts, like how they handle unsealing documents, he experienced when trying to dig up filings related to the neo-Nazis and terrorists he was researching gave him unique insight into how complicated PACER is.

"The system has always frustrated me," he said. "Even the best system in the world couldn't get around the fact that every court is a fiefdom."

Hughes was not alone in his less-than-flattering take on the EPA Public User Group process and its delegation of local authority.

"The usual response was that the AO couldn't force individual courts to do certain things," said one outgoing member who asked to speak on background. The list of rejected recommendations sent to the Judicial Conference included standardizing RSS feeds for easy case update notifications, requiring judges to correctly categorize their opinions, searching in-text for filings,

and a myriad of other quality of life improvements that are, in some cases, standard in privately run legal databases.

Attempts to reach several members of the Judicial Conference, including Roberts, to ask about why recommendations were rejected were not returned, though members said security issues and other digital concerns were among the top excuses.

“I found the Administrative Office employees are good, honest public servants whose hands are completely tied behind their back because of the system they have,” said Hughes, by far the clearest critic of the system in EPA Public User Group’s inaugural year, of the Judicial Conferences’ rejections.

That doesn’t mean the last two years were futile.

Attorney Margo S. Kirchner with the Wisconsin Justice Initiative Inc. and a member of the group said changes made to the public-facing PACER.gov website should make it easier for pro se litigants to file complaints.

“It was successful, the pro se user page was an accomplishment,” said Kirchner, who works extensively with low-income clients and approached the group with that class as a priority.

Sarnoff similarly found some success in the group. Among accomplishments she praised was the ability to download multiple documents from a single docket, though she noted it was only “sort of” implemented, depending on the court.

“Each of the systems are up to the district court, so they all do their own thing but we need them to standardize,” she said.

Back at Debevoise, Sarnoff and other Big Law EPA Public User Group members represented the top 2% of PACER users; large law firms who, alongside commercial data aggregators and government agencies, generate 87% of the system’s \$140 million in revenue, according to recent congressional data.

She was among those pushing for in-text search and other search improvements to make it easier for her and her counterparts to “get the things they need.”

Kirchner also pointed to other search function issues, including better disambiguation among similar search terms. She pointed to how each court accepts different names for the federal government as a party in a filing: U.S., US, USA, United States. She said AO was working with courts to develop a “wildcard” search that would address these discrepancies.

Sarnoff echoed some of Kirchner’s complaints in this way: “It’s all there, getting it out is the hardest part.”

The authority each federal court has to manage its local rules is nearly as old as the nation’s founding, said AO spokesperson Charles Hall.

“Federal courts have considerable autonomy to set local rules on matters not governed by federal statute, Judicial Conference policy, or the Federal Rules of Practice and Procedure,” he said. “This dates to our nation’s earliest history, when communication between a federal court and the nation’s capital might require a month’s travel by horse.”

Still, Sarnoff said the creation of the group suggests that, for the first time, the Judicial Conference is at least open to the idea of change.

“Someone had to think there was a need,” she said.

Hughes found similar solace in this interpretation of the group’s purpose. If someone at the Judicial Conference wanted to open up a channel for feedback then the group is doing that even if that feedback is being ignored.

“If nothing else there’s notes in the meeting minutes where someone said ‘this is unacceptable,’” he said.

Hall, meanwhile, called that feedback “valuable.”

“The inaugural PACER User Group made important contributions that have directly improved the public user’s experience since the group was formed in 2020,” he said, pointing to the new pro se filing guide and other implemented recommendations.

But he also acknowledged some of the EPA Public User Group’s recommendations was taken in but not executed, like “raising awareness” about standardized RSS feeds and “advocating” for more search improvements.

But those two issues will be a top priority for at least one of the next dozen members when they hold their first meeting in the coming months.

Michael Lissner is executive director of the Free Law Project, which maintains CourtListener, a free PACER alternative. Lissner has already spent hours calling federal courts to beg their judges to make alert systems that help inform both lawyers and the public as cases progress.

“I appreciate what they’re doing, that they put me in the group, but I know progress is difficult,” he said, admitting he’s one of the system’s most public critics and, after applying to the group twice, was impressed they invited him to join.

“With any luck we can make progress and if working from the inside helps do it then I’ll do it,” he said.

The pushback might be reduced during this session as well. In a letter sent to the Senate Judiciary Committee on Wednesday, U.S. District Judge Roslynn R. Mauskopf of the Eastern District of New York promised a series of changes, including unified search, search by judge’s names and other requests by the EPA Public User Group.

“The new system will take advantage of modern search technologies and algorithms, including ‘fuzzy’ search logic so that misspellings and similar words are discovered,” the [letter](#) reads.

In a [statement](#) released along side the letter, AO said it will help provide feedback and test the new search functions, along with other internal court users of the technology.