

New Misc Fee effective September 1st

At its March 2018 session, the Judicial Conference approved a new fee for providing copies of records in electronic form when those records are not available on the Public Access to Court Electronic Records (PACER) system or stored in the Case Management/Electronic Case Files (CM/ECF) system. This fee will be implemented through amendments to the appellate, district, and bankruptcy court miscellaneous fee schedules, as well as to the U.S. Court of Federal Claims and the Judicial Panel on Multidistrict Litigation miscellaneous fee schedule. These amendments, as well as conforming changes to the existing fees for reproducing a record in paper form, will become effective September 1, 2018.

Because CM/ECF allows attorneys to file case documents online, the Judiciary already provides public online access to the vast majority of court records through the PACER system. There is, however, a small subset of records that is maintained by clerk's offices, but those records are not stored in CM/ECF or available through PACER. Due to the file format or size of the electronic file, these records are difficult to make available in the PACER and CM/ECF systems, and public requests for copies must be handled through the clerk's office. Examples include video recordings of depositions submitted in support of a motion, electronic copies of voluminous state court records in habeas proceedings under 28 U.S.C. § 2254, or lengthy administrative records pertaining to administrative appeals.

The Judicial Conference endorsed a flat fee of \$31 for a copy of a record provided in electronic format. This fee mirrors the existing fees to conduct a search of court records or to reproduce a recording of a court proceeding.