

FILED

OCT 20 2020

Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

IN RE REQUEST FOR EXEMPTION
FROM ELECTRONIC PUBLIC ACCESS
FEES INCURRED BY THE PRETRIAL
SERVICES AGENCY FOR THE DISTRICT
OF COLUMBIA

Standing Order No. 20-85 (BAH)

Chief Judge Beryl A. Howell

ORDER

This Court has previously granted a request by Leslie C. Cooper, Director of the Pretrial Services Agency for the District of Columbia (“PSA”), for a discretionary Public Access to Court Electronic Records (“PACER”) exemption from the fees imposed by the Electronic Public Access Fee Schedule (“Fee Schedule”) adopted by the Judicial Conference of the United States Courts, for charges incurred by PSA employees in connection with their critical work before this Court. *See In re Request for Exemption from Electronic Public Access Fees by the Pretrial Services Agency for the District of Columbia*, Standing Order No. 20-07 (BAH), filed March 6, 2020 (“Standing Order 20-07”).

As described in Standing Order 20-07, PSA is an independent entity within the Court Services and Offender Supervision Agency (“CSOSA”) in the Executive Branch of the federal government. PSA provides pretrial services and support to both this Court and the D.C. Superior Court. This district is unique in that pretrial services are provided by PSA employees instead of by federal judiciary employees within U.S. Pretrial Services offices (or combined U.S. Probation and Pretrial Services offices). *See* 18 U.S.C. § 3152(a) (directing “the establishment of pretrial services in each judicial district (other than the District of Columbia)”).

Federal agencies or programs funded by judiciary appropriations are not required to pay PACER fees. *See* Fee Schedule ¶ 10. Thus, in other federal courts, federal judiciary employees providing pretrial services are not required to pay PACER fees. Due to the unique structure of pretrial services in the District of Columbia, however, PSA employees assigned to provide pretrial services to this Court are not automatically exempt from PACER fees because PSA is funded by Executive Branch appropriations instead of Judiciary appropriations. Thus, in carrying out their duties to provide timely, necessary and thorough investigations and reports about individuals charged with federal criminal offenses to the Judges on this Court, *see* 18 U.S.C. § 3154 (outlining functions of pretrial services generally), PSA employees incur PACER fees not incurred by federal pretrial and probation offices.

In Standing Order 20-07, which remains in full force and effect, this Court found that PSA employees assigned to provide pretrial services and support to this Court were eligible for a fee exemption, as they are required to access CM/ECF regularly to perform their duties in connection with pending criminal matters before this Court. Pursuant to the terms of Standing Order 20-07, PSA employees assigned to this Court are exempt from the payment of fees for access via PACER to the electronic case files maintained in the United States District Court for the District of Columbia, to the extent such use is incurred in the course of providing services to this Court. PSA employees are not exempt from the payment of fees incurred in connection with other uses of the PACER system in this Court, and additional limitations, outlined in Standing Order 20-07 ¶¶ 1-4, apply.

For several months prior to the issuance of Standing Order 20-07, PSA employees incurred PACER fees in the course of providing services to this Court. Accordingly, it is hereby

ORDERED that the fee exemption granted in Standing Order 20-07 shall apply to any fees incurred during the time period from October 1, 2019 through and including March 6, 2020, by PSA employees assigned to this Court, for access via PACER to the electronic case files maintained in the United States District Court for the District of Columbia, to the extent such fees were incurred in the course of providing services to this Court and subject to the conditions and limitations identified in Standing Order 20-07.

The Clerk of the Court shall send a copy of this Order to the PACER Service Center.

SO ORDERED.

Date: October 20, 2020



Beryl A. Howell

BERYL A. HOWELL
Chief Judge