

# **EXHIBIT M**

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

NATIONAL VETERANS LEGAL  
SERVICES PROGRAM, NATIONAL  
CONSUMER LAW CENTER, and  
ALLIANCE FOR JUSTICE, for themselves  
and all others similarly situated,

*Plaintiffs,*

v.

UNITED STATES OF AMERICA,  
*Defendant.*

Civ. A. No. 16-745 ESH

**DEFENDANT'S RESPONSE TO PLAINTIFF'S FIRST SET OF INTERROGATORIES**

Pursuant to Federal Rules of Civil Procedure 26, and 33, and Local Civil Rule 26.2, the United States responds to Plaintiff's Interrogatories as follows:

**GENERAL OBJECTIONS**

1. Defendant objects to the Instructions preceding Plaintiffs' Interrogatories to the extent that they could be read to require more by way of a response than is required by the Federal Rules of Civil Procedure.

2. Defendant also objects to the extent that Plaintiffs' Interrogatories could be read to require more effort to respond to the interrogatories, as such would go beyond the proper limits of discovery under Fed. R. Civ. P. 26(b) and would not be proportional to the needs of the case.

3. Defendant also objects to the extent that the number of Plaintiffs' Interrogatories (including subparts) has gone beyond the number permissible interrogatories.

Notwithstanding these objections, Defendant provides the following responses.

RESPONSES

Interrogatory No. 1

Please describe on an item-by-item basis the expenses directly related to providing the public with electronic access to (a) court documents, and (b) audio recordings of court proceedings, including an explanation of how each relates to providing the public with electronic access.

Objection: Defendant objects to the interrogatory as vague, insofar as Plaintiff has not identified the meaning of the term : “directly related.”

Response: Defendant provides the following explanations for the specific line items and Fiscal Years in response to Interrogatory No. 1:

**Fiscal Year 2010**

USA000001

Line 8 – EPA Program - The EPA program provided electronic public access to court information; developed and maintained electronic public access systems in the judiciary; and, through the PACER (Public Access to Court Electronic Records) Service Center, provided centralized billing. It also included funding the technical elements to the PACER program, including, but not limited to, the PACER Service Center (PSC) technical costs, contractors, technical training, uscourts.gov website, and program office technical costs. PACER provided access to federal court documents.

Line 13 – Development and Implementation – Development and Implementation costs for the Case Management/Electronic Case Files (CM/ECF) system. CM/ECF is the case management system used in the appellate, district, and bankruptcy courts. CM/ECF provides the ability to store case file documents in electronic format and to accept filings over the internet. This was the ongoing development and implementation costs for the system that holds the documents that PACER provides electronic access to.

Line 14 – Operational and Maintenance costs - Operations & Maintenance costs for CM/ECF. CM/ECF is the case management system used in the appellate, district, and bankruptcy courts. CM/ECF provides the ability to store case file documents in electronic format and to accept filings over the internet. This was the ongoing operational and maintenance costs for the system that holds the documents that PACER provides electronic access to.

Line 15 – CM/ECF Futures – The CM/ECF Futures was assessing the judiciary's long term case management and case filing requirements with a view to modernizing or replacing the CM/ECF systems. This looked at enhancing the functionality of the system that holds the documents that PACER provides electronic access to.

Line 16 – Appellate Operational Forum – The Appellate operational practices forum is an annual conference at which judges, clerks of court, court staff, and AO staff exchange ideas and information about operational practices and policies related to the Appellate CM/ECF system. This is the system that holds the documents that PACER provides electronic access to. Training on better use of the CM/ECF system provides a better and more consistent product to the public.

Line 17 – District Operational Forum – The District operational practices forum is an annual conference at which judges, clerks of court, court staff, and AO staff exchange ideas and information about operational practices and policies related to the District CM/ECF system. This is the system that holds the documents that PACER provides electronic access to. Training on better use of the CM/ECF system provides a better and more consistent product to the public.

Line 18 – Bankruptcy Operational Forum – The Bankruptcy operational practices forum is an annual conference at which judges, clerks of court, court staff, and AO staff exchange ideas and information about operational practices and policies related to the Bankruptcy CM/ECF system. This is the system that holds the documents that PACER provides electronic access to. Training on better use of the CM/ECF system provides a better and more consistent product to the public.

Line 20 – Electronic Bankruptcy Noticing – Electronic Bankruptcy Noticing produces and sends court documents (bankruptcy notices, including notices of 341 meetings) electronically to creditors in bankruptcy cases. Electronic transmission options include internet email or fax and, for large email recipients, EDI and XML.

Line 24 – PACER-Net – The Public Access Network (PACER-Net) is the network which allows courts to post court information on the internet in a secure manner. The public side of CM/ECF

as well as court websites are hosted on the PACER-Net. This publicly accessible network allows the public to access court documents electronically.

Line 25 – DCN and Security Services – costs associated with network circuits, routers, switches, security, optimization, and management devices along with maintenance management and certain security services to support the portion of the Judiciary's WAN network usage associated with CM/ECF. This DCN cost is split between appropriated funds and Electronic Public Access (EPA) funds. CM/ECF is the system that holds the documents that PACER provides electronic access to.

USA000002

Line 30 – Court Staffing Additives – Funds for court additives support activities like CM/ECF implementation and making digital audio recordings of hearings available via PACER. The court additives worked on projects like development of Multi-court Voice Case Information System (McVCIS) which provided information from court documents read to the public over the phone.

Line 31 – Court Allotments – Court allotments are used by courts to fund electronic public access items and services, such as public terminals, internet web servers, telephone lines, paper and toner at public printers, digital audio, McVCIS and grants for the courts. Public terminals provide access to the electronic docket and reports. Internet web servers provide electronic access to court documents such as local rules, places of holding court and court phone numbers and hours. The paper, toner, and public printers allow the public to get hard copies of court documents at a lesser rate than by photocopying. McVCIS provides bankruptcy case information (party, case status, and hearing info) to the public over the phone, and the grants are for court initiatives that provide court documents to the public or enhance a current electronic public access initiative/process.

Line 32 – CM/ECF Court Allotments – these are funds provided as the CM/ECF contribution/portion of the IT Infrastructure Formula, and funds for attorney training on CM/ECF. CM/ECF is the system that holds the documents that PACER provides electronic access to.

Line 33 – Courts/AO Exchange Program – This program encourages court and AO collaboration, thus enhancing understanding on how work gets done in the courts and at the AO. This project funds participants in the IT area, related to the Next Gen program. Individuals work in

temporary duty status assignments that bring court program people to the AO for a limited period of time to work on specific projects and initiatives. NextGen is the next iteration of CM/ECF which is the system that holds the documents that PACER provides electronic access to.

Line 38 – Violent Crime Control Act – This program electronically notifies local law enforcement agencies of changes to the case history of offenders under supervision. Law enforcement officers receive electronic notification of court documents that were previously sent through the mail.

Line 44 – Courtroom Technology – This allotment funds the maintenance, cyclical replacement, and upgrade of courtroom technologies in the courts. Courtroom technology makes court documents more readily available to the public in the courtroom and the public outside the courtroom by making audio hearings available on PACER.

Line 47 – State of Mississippi – Mississippi state three year study on the feasibility of sharing the Judiciary's CM/ECF filing system at the state level, to include electronic billing processes. Not to exceed the estimated cost of \$1.4 million. This provided software, and court documents to the State of Mississippi, which allowed the State of Mississippi to provide the public with electronic access to its documents.

### **Fiscal Year 2011**

#### USA000003

Line 12 – EPA Program - The EPA program provided electronic public access to court information; developed and maintained electronic public access systems in the judiciary; and, through the PACER (Public Access to Court Electronic Records) Service Center, provided centralized billing. PACER provided access to federal court documents.

Line 13 – EPA Technology Infrastructure & applications - Development and Implementation costs for CM/ECF. CM/ECF is the case management system used in the appellate, district, and bankruptcy courts. CM/ECF provides the ability to store case file documents in electronic format and to accept filings over the internet. This was the technology and infrastructure costs for the system that holds the documents that PACER provides electronic access to.

Line 14 – EPA Replication – This covers expenses for CM/ECF servers and replication and archive services. These services ensure redundancy and storage for the systems that holds the documents that PACER provides electronic access to.

Line 18 – Development and Implementation – Development and Implementation costs for CM/ECF. CM/ECF is the case management system used in the appellate, district, and bankruptcy courts. CM/ECF provides the ability to store case file documents in electronic format and to accept filings over the internet. This was the ongoing development and implementation costs for the system that holds the documents that PACER provides electronic access to.

Line 20 – Operational and Maintenance costs - Operations & Maintenance costs for CM/ECF. CM/ECF is the case management system used in the appellate, district, and bankruptcy courts. CM/ECF provides the ability to store case file documents in electronic format and to accept filings over the internet. This was the ongoing operational and maintenance costs for the system that holds the documents that PACER provides electronic access to.

Line 21 – CM/ECF Futures – The CM/ECF Futures was assessing the judiciary's long term case management and case filing requirements with a view to modernizing or replacing the CM/ECF systems. This looked at enhancing the functionality of the system that holds the documents that PACER provides electronic access to.

Line 22 – Appellate Operational Forum – The Appellate operational practices forum is an annual conference at which judges, clerks of court, court staff, and AO staff exchange ideas and information about operational practices and policies related to the Appellate CM/ECF system. This is the system that holds the documents that PACER provides electronic access to. Training on better use of the CM/ECF system provides a better and more consistent product to the public.

Line 24 – District Operational Forum – The District operational practices forum is an annual conference at which judges, clerks of court, court staff, and AO staff exchange ideas and information about operational practices and policies related to the District CM/ECF system. This is the system that holds the documents that PACER provides electronic access to. Training on better use of the CM/ECF system provides a better and more consistent product to the public.

Line 25 – Bankruptcy Operational Forum – The Bankruptcy operational practices forum is an annual conference at which judges, clerks of court, court staff, and AO staff exchange ideas and information about operational practices and policies related to the Bankruptcy CM/ECF system.

This is the system that holds the documents that PACER provides electronic access to. Training on better use of the CM/ECF system provides a better and more consistent product to the public.

Line 28 – Electronic Bankruptcy Noticing – Electronic Bankruptcy Noticing produces and sends court documents (bankruptcy notices, including notices of 341 meetings) electronically to creditors in bankruptcy cases. Electronic transmission options include internet email or fax and, for large email recipients, EDI and XML.

Line 32 – PACER-Net – The Public Access Network (PACER-Net) is the network which allows courts to post court information on the internet in a secure manner. The public side of CM/ECF as well as court web sites are hosted on the PACER-Net. This publicly accessible network allows the public to access court documents electronically.

Line 33 – DCN and Security Services – Network associated costs. Costs associated with the FTS 2001 and Network contracts with the PACER-Net. PACER-Net is the publicly accessible network that allows the public to access court documents electronically.

Line 34 – PACER-Net & DCN– costs associated with network circuits, routers, switches, security, optimization, and management devices along with maintenance management and certain security services to support the portion of the Judiciary's WAN network usage associated with CM/ECF. This DCN cost is split between appropriated funds and EPA funds. CM/ECF is the system that holds the documents that PACER provides electronic access to.

USA000004

Line 36 – Security Services – costs for security services associated with the PACER-Net. PACER-Net is the publicly accessible network that allows the public to access court documents electronically.

Line 39 – Court Staffing Additives – Funds for court additives support activities like CM/ECF implementation and making digital audio recordings of hearings available via PACER. The court additives worked on projects like development of Multi-court Voice Case Information System (McVCIS) which provided information from court documents read to the public over the phone.



Line 40 – Court Allotments – Court allotments are used by courts to fund electronic public access items and services, such as public terminals, internet web servers, telephone lines, paper and toner at public printers, digital audio, McVCIS and grants for the courts. Public terminals provide access to the electronic docket and reports. Internet web servers provide electronic access to court documents such as local rules, places of holding court and court phone numbers and hours. The paper, toner, and public printers allow the public to get hard copies of court documents at a lesser rate than by photocopying. McVCIS provides bankruptcy case information (party, case status, and hearing info) to the public over the phone, and the grants are for court initiatives that provide court documents to the public or enhance a current electronic public access initiative/process.

Line 42 – CM/ECF Court Allotments – these are funds provided as the CM/ECF contribution/portion of the IT Infrastructure Formula, and funds for attorney training on CM/ECF. CM/ECF is the system that holds the documents that PACER provides electronic access to.

Line 43 – Courts/AO Exchange Program – This program encourages court and AO collaboration, thus enhancing understanding on how work gets done in the courts and at the AO. This project funds participants in the IT area, related to the Next Gen program. Individuals work in temporary duty status assignments that bring court program people to the AO for a limited period of time to work on specific projects and initiatives. NextGen is the next iteration of CM/ECF which is the system that holds the documents that PACER provides electronic access to.

Line 50 – Violent Crime Control Act – This program electronically notifies local law enforcement agencies of changes to the case history of offenders under supervision. Law enforcement officers receive electronic notification of court documents that were previously sent through the mail.

Line 57 – Courtroom Technology – This allotment funds the maintenance, cyclical replacement, and upgrade of courtroom technologies in the courts. Courtroom technology makes court documents more readily available to the public in the courtroom and the public outside the courtroom by making audio hearings available on PACER.

**Fiscal Year 2012**

USA000006

Line 11 – EPA Program - The EPA program provided electronic public access to court information; developed and maintained electronic public access systems in the judiciary; and, through the PACER (Public Access to Court Electronic Records) Service Center, provided centralized billing. PACER provided access to federal court documents.

Line 12 – EPA Technology Infrastructure & applications - Development and Implementation costs for CM/ECF. CM/ECF is the case management system used in the appellate, district, and bankruptcy courts. CM/ECF provides the ability to store case file documents in electronic format and to accept filings over the internet. This was the technology and infrastructure costs for the system that holds the documents that PACER provides electronic access to.

Line 13 – EPA Replication – This covers expenses for CM/ECF servers and replication and archive services. These are services ensure redundancy and storage for the systems that holds the documents that PACER provides electronic access to.

Line 16 – Testing – This is for costs associated with testing of CM/ECF, the judiciary’s case management system used in the appellate, district, and bankruptcy courts. CM/ECF provides the ability to store case file documents in electronic format and to accept filings over the internet. CM/ECF is the system that holds the documents that PACER provides electronic access to.

Line 17 – CM/ECF Positions – This funds positions that perform duties in relation to the CM/ECF system. CM/ECF is the system that holds the documents that PACER provides electronic access to.

Line 18 – Operational and Maintenance costs - Operations & Maintenance costs for CM/ECF. CM/ECF is the case management system used in the appellate, district, and bankruptcy courts. CM/ECF provides the ability to store case file documents in electronic format and to accept filings over the internet. This was the ongoing operational and maintenance costs for the system that holds the documents that PACER provides electronic access to.

Line 20 – CM/ECF NextGen – CM/ECF NextGen was assessing the judiciary's long term case management and case filing requirements with a view to modernizing or replacing the CM/ECF systems. This looked at enhancing the functionality of the system that holds the documents that PACER provides electronic access to.

Line 21 – Appellate Operational Forum – The Appellate operational practices forum is an annual conference at which judges, clerks of court, court staff, and AO staff exchange ideas and information about operational practices and policies related to the Appellate CM/ECF system. This is the system that holds the documents that PACER provides electronic access to. Training on better use of the CM/ECF system provides a better and more consistent product to the public.

Line 22 – District Operational Forum – The District operational practices forum is an annual conference at which judges, clerks of court, court staff, and AO staff exchange ideas and information about operational practices and policies related to the District CM/ECF system. This is the system that holds the documents that PACER provides electronic access to. Training on better use of the CM/ECF system provides a better and more consistent product to the public.

Line 23 – Bankruptcy Operational Forum – The Bankruptcy operational practices forum is an annual conference at which judges, clerks of court, court staff, and AO staff exchange ideas and information about operational practices and policies related to the Bankruptcy CM/ECF system. This is the system that holds the documents that PACER provides electronic access to. Training on better use of the CM/ECF system provides a better and more consistent product to the public.

USA000007

Line 26 – Electronic Bankruptcy Noticing – Electronic Bankruptcy Noticing produces and sends court documents (bankruptcy notices, including notices of 341 meetings) electronically to creditors in bankruptcy cases. Electronic transmission options include internet email or fax and, for large email recipients, EDI and XML.

Line 29 – PACER-Net DCN– costs associated with network circuits, routers, switches, security, optimization, and management devices along with maintenance management and certain security services to support the portion of the Judiciary's WAN network usage associated with CM/ECF. This DCN cost is split between appropriated funds and EPA funds. CM/ECF is the system that holds the documents that PACER provides electronic access to.

Line 30 – Security Services – Costs for security services associated with PACER and CM/ECF. CM/ECF is the system that holds the documents that PACER provides electronic access to.

Line 33 – Court Staffing Additives – Funds for court additives support activities like CM/ECF implementation and making digital audio recordings of hearings available via PACER. The

court additives worked on projects like development of Multi-court Voice Case Information System (McVCIS) which provided information from court documents read to the public over the phone.

Line 34 – CM/ECF Court Allotments – these are funds provided as the CM/ECF contribution/portion of the IT Infrastructure Formula, and funds for attorney training on CM/ECF. CM/ECF is the system that holds the documents that PACER provides electronic access to.

Line 35 – Courts/AO Exchange Program – This program encourages court and AO collaboration, thus enhancing understanding on how work gets done in the courts and at the AO. This project funds participants in the IT area, related to the Next Gen program. Individuals work in temporary duty status assignments that bring court program people to the AO for a limited period of time to work on specific projects and initiatives. NextGen is the next iteration of CM/ECF which is the system that holds the documents that PACER provides electronic access to.

Line 40 – Violent Crime Control Act – Development costs associated with the program that electronically notifies local law enforcement agencies of changes to the case history of offenders under supervision. Law enforcement officers receive electronic notification of court documents that were previously sent to the through the mail.

Line 41 – Violent Crime Control Act – Operational and maintenance costs for the program that electronically notifies local law enforcement agencies of changes to the case history of offenders under supervision. Law enforcement officers receive electronic notification of court documents that were previously sent to the through the mail.

Line 45 – Web based E-Juror – Costs associated with E-Juror software maintenance, escrow services, and scanner support. E-Juror provides prospective jurors with electronic copies of court documents regarding jury service.

Line 48 – Courtroom Technology – This allotment funds the maintenance, cyclical replacement, and upgrade of courtroom technologies in the courts. Courtroom technology makes court documents more readily available to the public in the courtroom and the public outside the courtroom by making audio hearings available on PACER.

Line 49 – Courtroom Technology – This allotment funds the upgrade of courtroom technologies in the courts. Courtroom technology makes court documents more readily available to the public in the courtroom and the public outside the courtroom by making audio hearings available on PACER.

**Fiscal Year 2013**

USA000009

Line 14 – EPA Program - The EPA program provided electronic public access to court information; developed and maintained electronic public access systems in the judiciary; and, through the PACER (Public Access to Court Electronic Records) Service Center, provided centralized billing. PACER provided access to federal court documents.

Line 17 – EPA Technology Infrastructure & applications - Development and Implementation costs for CM/ECF. CM/ECF is the case management system used in the appellate, district, and bankruptcy courts. CM/ECF provides the ability to store case file documents in electronic format and to accept filings over the internet. This was the technology and infrastructure costs for the system that holds the documents that PACER provides electronic access to.

Line 18 – EPA Replication – This covers expenses for CM/ECF servers and replication and archive services. These are services ensure redundancy and storage for the systems that holds the documents that PACER provides electronic access to.

Line 22 – Testing – This is for costs associated with testing of CM/ECF, the judiciary’s case management system used in the appellate, district, and bankruptcy courts. CM/ECF provides the ability to store case file documents in electronic format and to accept filings over the internet. CM/ECF is the system that holds the documents that PACER provides electronic access to.

Line 23 – CM/ECF Positions – This funds positions that perform duties in relation to the CM/ECF system. CM/ECF is the system that holds the documents that PACER provides electronic access to.

Line 25 – Operational and Maintenance costs - Operations & Maintenance costs for CM/ECF. CM/ECF is the case management system used in the appellate, district, and bankruptcy courts.

CM/ECF provides the ability to store case file documents in electronic format and to accept filings over the internet. This was the ongoing operational and maintenance costs for the system that holds the documents that PACER provides electronic access to.

USA000010

Line 26 – CM/ECF NextGen – CM/ECF NextGen was assessing the judiciary's long term case management and case filing requirements with a view to modernizing or replacing the CM/ECF systems. This looked at enhancing the functionality of the system that holds the documents that PACER provides electronic access to.

Line 35 – District Operational Forum – The District operational practices forum is an annual conference at which judges, clerks of court, court staff, and AO staff exchange ideas and information about operational practices and policies related to the District CM/ECF system. This is the system that holds the documents that PACER provides electronic access to. Training on better use of the CM/ECF system provides a better and more consistent product to the public.

Line 36 – Bankruptcy Operational Forum – The Bankruptcy operational practices forum is an annual conference at which judges, clerks of court, court staff, and AO staff exchange ideas and information about operational practices and policies related to the Bankruptcy CM/ECF system. This is the system that holds the documents that PACER provides electronic access to. Training on better use of the CM/ECF system provides a better and more consistent product to the public.

Line 39 – Electronic Bankruptcy Noticing – Electronic Bankruptcy Noticing produces and sends court documents (bankruptcy notices, including notices of 341 meetings) electronically to creditors in bankruptcy cases. Electronic transmission options include internet email or fax and, for large email recipients, EDI and XML.

Line 42 – PACER-Net DCN– costs associated with network circuits, routers, switches, security, optimization, and management devices along with maintenance management and certain security services to support the portion of the Judiciary's WAN network usage associated with CM/ECF. This DCN cost is split between appropriated funds and EPA funds. CM/ECF is the system that holds the documents that PACER provides electronic access to.

Line 43 – Security Services – Costs for security services associated with PACER and CM/ECF. CM/ECF is the system that holds the documents that PACER provides electronic access to.

Line 46 – Court Staffing Additives – Funds for court additives support activities like CM/ECF implementation and making digital audio recordings of hearings available via PACER. The court additives worked on projects like development of Multi-court Voice Case Information System (McVCIS) which provided information from court documents read to the public over the phone.

Line 47 – CM/ECF Court Allotments – these are funds provided as the CM/ECF contribution/portion of the IT Infrastructure Formula, and funds for Attorney Training on CM/ECF. CM/ECF is the system that holds the documents that PACER provides electronic access to.

Line 48 – Courts/AO Exchange Program – This program encourages court and AO collaboration, thus enhancing understanding on how work gets done in the courts and at the AO. This project funds participants in the IT area, related to the Next Gen program. Individuals work in temporary duty status assignments that bring court program people to the AO for a limited period of time to work on specific projects and initiatives. NextGen is the next iteration of CM/ECF which is the system that holds the documents that PACER provides electronic access to.

Line 54 – Violent Crime Control Act – Development costs associated with the program that electronically notifies local law enforcement agencies of changes to the case history of offenders under supervision. Law enforcement officers receive electronic notification of court documents that were previously sent to the through the mail.

Line 55 – Violent Crime Control Act – Operational and maintenance costs for the program that electronically notifies local law enforcement agencies of changes to the case history of offenders under supervision. Law enforcement officers receive electronic notification of court documents that were previously sent to the through the mail.

USA000011

Line 58 – Web based E-Juror – Costs associated with E-Juror maintenance and operation.

E-Juror provides prospective jurors with electronic copies of court documents regarding jury service.

Line 61 – Courtroom Technology – This allotment funds the maintenance, cyclical replacement, and upgrade of courtroom technologies in the courts. Courtroom technology makes court documents more readily available to the public in the courtroom and the public outside the courtroom by making audio hearings available on PACER.

Line 63 – Courtroom Technology – This allotment funds the upgrade of courtroom technologies in the courts. Courtroom technology makes court documents more readily available to the public in the courtroom and the public outside the courtroom by making audio hearings available on PACER.

### **Fiscal Year 2014**

#### USA000012

Line 10 – EPA Program - The EPA program provided electronic public access to court information; developed and maintained electronic public access systems in the judiciary; and, through the PACER (Public Access to Court Electronic Records) Service Center, provided centralized billing. PACER provided access to federal court documents.

Line 11 – EPA Electronic Public Access (SDSD) – Costs associated with managing the non-technical portion of the PACER Service Center i.e., rent, billing process costs, office equipment and supplies.) The PACER Service Center provides centralized billing and customer support for PACER. PACER provided access to federal court documents.

Line 13 – EPA Technology Infrastructure & applications - Development and Implementation costs for CM/ECF. CM/ECF is the case management system used in the appellate, district, and bankruptcy courts. CM/ECF provides the ability to store case file documents in electronic format and to accept filings over the internet. This was the technology and infrastructure costs for the system that holds the documents that PACER provides electronic access to.

Line 14 – EPA CTHD SDSD – This covers expenses for CM/ECF servers and funds CTHO (Cloud Technology Hosting Office) support for CM/ECF Infrastructure. This includes centralized and decentralized services, replication, McVCIS, case email processing, and NextGen. These are services that ensure redundancy and storage for the systems that holds the documents that PACER provides electronic access to.



Line 17 – CM/ECF Positions – This funds positions that perform duties in relation to the CM/ECF system. CM/ECF is the system that holds the documents that PACER provides electronic access to.

Line 18 – CM/ECF NextGen – CM/ECF NextGen was assessing the judiciary's long term case management and case filing requirements with a view to modernizing or replacing the CM/ECF systems. This looked at enhancing the functionality of the system that holds the documents that PACER provides electronic access to.

Line 22 – EPA-CM/ECF SDSO – These are costs associated with SDSO support services for Case Management/Electronic Case Files, CM/ECF NextGen Development and Legacy Case Management/Electronic Case Files systems - Appellate, District and Bankruptcy Courts. This includes functional and technical support desk services, release distribution, installation support services, communication services, and written technical documentation material. CM/ECF and CM/ECF NextGen are the systems that hold the documents that PACER provides electronic access to.

Line 24 – EPA CM/ECF (CTHD) – This covers expenses for CM/ECF servers and funds CTHO (Cloud Technology Hosting Office) support for CM/ECF Infrastructure. This includes centralized and decentralized services, replication, McVCIS, case email processing, and NextGen. These are services that ensure redundancy and storage for the systems that holds the documents that PACER provides electronic access to.

Line 25 – EPA- Enterprise Data Warehouse O & M - This activity includes tasks related to the operation and maintenance of the EDW and other integration services, enhancement and/or migration services that are required to support technology advancements or changing business needs. This activity supports the enhancement of EDW-Next Gen of CM/ECF, which includes on-line analytics, reports, dashboards, as well as seamless integration with other judiciary systems through web services and other application programming interfaces (APIs). Next Gen of CM/ECF is one of the systems that holds the documents that PACER provides electronic access to.

Line 26 – CSO Combined Forum – The combined operational practices forum is a conference at which judges, clerks of court, court staff, and AO staff exchange ideas and information about operational practices and policies related to the CM/ECF system. This is the system that holds the documents that PACER provides electronic access to. Training on better use of the CM/ECF system provides a better and more consistent product to the public.

Line 29 – Electronic Bankruptcy Noticing – Electronic Bankruptcy Noticing produces and sends court documents (bankruptcy notices, including notices of 341 meetings) electronically to creditors in bankruptcy cases. Electronic transmission options include internet email or fax and, for large email recipients, EDI and XML.

Line 32 – PACER-Net DCN– costs associated with network circuits, routers, switches, security, optimization, and management devices along with maintenance management and certain security services to support the portion of the Judiciary's WAN network usage associated with CM/ECF. This DCN cost is split between appropriated funds and EPA funds. CM/ECF is the system that holds the documents that PACER provides electronic access to.

Line 33 – Security Services – Costs for security services associated with PACER and CM/ECF. CM/ECF is the system that holds the documents that PACER provides electronic access to.

Line 36 – Court Staffing Additives/Allotments – Funds for court additives support activities like CM/ECF implementation and making digital audio recordings of hearings available via PACER. The court additives worked on projects like development of Multi-court Voice Case Information System (McVCIS) which provided information from court documents read to the public over the phone.

Line 37 – CM/ECF Court Allotments – these are funds provided as the CM/ECF contribution/portion of the IT Infrastructure Formula, and funds for attorney training on CM/ECF. CM/ECF is the system that holds the documents that PACER provides electronic access to.

Line 38 – Courts/AO Exchange Program – This program encourages court and AO collaboration, thus enhancing understanding on how work gets done in the courts and at the AO. This project funds participants in the IT area, related to the Next Gen program. Individuals work in temporary duty status assignments that bring court program people to the AO for a limited period of time to work on specific projects and initiatives. NextGen is the next iteration of CM/ECF which is the system that holds the documents that PACER provides electronic access to.

USA000013

Line 45 – Violent Crime Control Act – Costs associated with the program that electronically notifies local law enforcement agencies of changes to the case history of offenders under supervision. Law enforcement officers receive electronic notification of court documents that were previously sent to the through the mail.

Line 48 – Web based E-Juror – Costs associated with E-Juror maintenance and operation.

E-Juror provides prospective jurors with electronic copies of court documents regarding jury service.

Line 51 – Courtroom Technology – This allotment funds the maintenance, cyclical replacement, and upgrade of courtroom technologies in the courts. Courtroom technology makes court documents more readily available to the public in the courtroom and the public outside the courtroom by making audio hearings available on PACER.

Line 53 – Courtroom Technology – This allotment funds the upgrade of courtroom technologies in the courts. Courtroom technology makes court documents more readily available to the public in the courtroom and the public outside the courtroom by making audio hearings available on PACER.

### **Fiscal Year 2015**

#### USA000014

Line 12 – EPA Program - The EPA program provided electronic public access to court information; developed and maintained electronic public access systems in the judiciary; and, through the PACER (Public Access to Court Electronic Records) Service Center, provided centralized billing. PACER provided access to federal court documents.

Line 15 – EPA Electronic Public Access (SDSD) – Costs associated with managing the non-technical portion of the PACER Service Center i.e., rent, billing process costs, office equipment and supplies.) The PACER Service Center provides centralized billing and customer support for PACER. PACER provided access to federal court documents.

Line 16 – EPA US Courts.gov Web Support OPAF – Office of Public Affairs costs associated with the support of the uscourts.gov website. The uscourts.gov website provides public access to court documents such as court forms, statistical reports and rules and policies.

Line 17 – EPA Technology Infrastructure & applications - Development and Implementation costs for CM/ECF. CM/ECF is the case management system used in the appellate, district, and bankruptcy courts. CM/ECF provides the ability to store case file documents in electronic format and to accept filings over the internet. This was the technology and infrastructure costs for the system that holds the documents that PACER provides electronic access to.

Line 19 – EPA CTHD SDSD – This covers expenses for CM/ECF servers and funds CTHO (Cloud Technology Hosting Office) support for CM/ECF Infrastructure. This includes centralized and decentralized services, replication, McVCIS, case email processing, and NextGen. These are services that ensure redundancy and storage for the systems that holds the documents that PACER provides electronic access to.

Line 22 – CM/ECF Positions – This funds positions that perform duties in relation to the CM/ECF system. CM/ECF is the system that holds the documents that PACER provides electronic access to.

Line 23 – CM/ECF NextGen – Costs associated with the CM/ECF NextGen project working group. NextGen is one of the systems that holds the documents that PACER provides electronic access to.

Line 25 – CM/ECF NextGen – CM/ECF NextGen project is developing the a system to meet the judiciary's long term case management and case filing requirements with a view to modernizing or replacing the CM/ECF systems. This looked at enhancing the functionality of the system that holds the documents that PACER provides electronic access to.

Line 27 – CM/ECF NextGen & Legacy CM/ECF Training – Costs associated with providing curriculum design and training for legacy CM/ECF and NextGen. This includes the scheduling of classes to meet court staff turnover (operational and technical staff) and to provide training on new features provided by NextGen. NextGen is one of the systems that hold the documents that PACER provides electronic access to.

USA000015

Line 28 – EPA-Enterprise Messaging – These are costs associated with JENIE Branch and Information Services Branch support of CM/ECF and CM/ECF NextGen development on the JENIE platform. Engineering efforts for NextGen utilizing the JENIE environment for SSO. This includes IT engineering services and software licensing and renewals. NextGen is one of the systems that hold the documents that PACER provides electronic access to.

Line 29 – EPA-CM/ECF SDSO – These are costs associated with SDSO support services for Case Management/Electronic Case Files, CM/ECF NextGen Development and Legacy Case Management/Electronic Case Files systems - Appellate, District and Bankruptcy Courts. This includes functional and technical support desk services, release distribution, installation support services, communication services, and written technical documentation material. CM/ECF and CM/ECF NextGen are the systems that hold the documents that PACER provides electronic access to.

Line 30 – Testing – This is for costs associated with testing of CM/ECF, CM/ECF NextGen and Legacy CM/ECF products. These are the judiciary's case management systems used in the appellate, district, and bankruptcy courts. These systems provide the ability to store case file documents in electronic format and to accept filings over the internet. These are the systems that hold the documents that PACER provides electronic access to.

Line 31 – EPA- Enterprise Data Warehouse O & M - This activity includes tasks related to the operation and maintenance of the EDW and other integration services, enhancement and/or migration services that are required to support technology advancements or changing business needs. This activity supports the enhancement of EDW-Next Gen of CM/ECF, which includes on-line analytics, reports, dashboards, as well as seamless integration with other Judiciary systems through web services and other application programming interfaces (APIs). Next Gen of CM/ECF is one of the systems that hold the documents that PACER provides electronic access to.

Line 32 – CSO Combined Forum – The combined operational practices forum is a conference at which judges, clerks of court, court staff, and AO staff exchange ideas and information about operational practices and policies related to the CM/ECF system. This is the system that holds the documents that PACER provides electronic access to. Training on better use of the CM/ECF system provides a better and more consistent product to the public.

Line 35 – Electronic Bankruptcy Noticing – Electronic Bankruptcy Noticing produces and sends court documents (bankruptcy notices, including notices of 341 meetings) electronically to

creditors in bankruptcy cases. Electronic transmission options include internet email or fax and, for large email recipients, EDI and XML.

Line 38 – PACER-Net DCN– costs associated with network circuits, routers, switches, security, optimization, and management devices along with maintenance management and certain security services to support the portion of the Judiciary's WAN network usage associated with CM/ECF. This DCN cost is split between appropriated funds and EPA funds. CM/ECF is the system that holds the documents that PACER provides electronic access to.

Line 39– Security Services – Costs for security services associated with PACER and CM/ECF. CM/ECF is the system that holds the documents that PACER provides electronic access to.

Line 42 – Court Staffing Additives/Allotments – Funds for court additives support activities like CM/ECF implementation and making digital audio recordings of hearings available via PACER. The court additives worked on projects like development of Multi-court Voice Case Information System (McVCIS) which provided information from court documents read to the public over the phone.

Line 43 – CM/ECF Court Allotments – these are funds provided as the CM/ECF contribution/portion of the IT Infrastructure Formula, and funds for Attorney Training on CM/ECF. CM/ECF is the system that holds the documents that PACER provides electronic access to.

Line 44 – Courts/AO Exchange Program – This program encourages court and AO collaboration, thus enhancing understanding on how work gets done in the courts and at the AO. This project funds participants in the IT area, related to the Next Gen program. Individuals work in temporary duty status assignments that bring court program people to the AO for a limited period of time to work on specific projects and initiatives. NextGen is the next iteration of CM/ECF which is the system that holds the documents that PACER provides electronic access to.

Line 49 – Violent Crime Control Act – Costs associated with the program that electronically notifies local law enforcement agencies of changes to the case history of offenders under supervision. Law enforcement officers receive electronic notification of court documents that were previously sent to the through the mail.

Line 52 – Web based E-Juror – Costs associated with E-Juror maintenance and operation.

E-Juror provides prospective jurors with electronic copies of court documents regarding jury service.

Line 56 – Courtroom Technology OIT– This allotment funds the maintenance, cyclical replacement, and upgrade of courtroom technologies in the courts. Courtroom technology makes court documents more readily available to the public in the courtroom and the public outside the courtroom by making audio hearings available on PACER.

Line 57 – Courtroom Technology – This allotment funds the upgrade of courtroom technologies in the courts. Courtroom technology makes court documents more readily available to the public in the courtroom and the public outside the courtroom by making audio hearings available on PACER.

### **Fiscal Year 2016**

#### USA000017

Line 12 – EPA Program - The EPA program provided electronic public access to court information; developed and maintained electronic public access systems in the judiciary; and, through the PACER (Public Access to Court Electronic Records) Service Center, provided centralized billing. PACER provided access to federal court documents.

Line 13 – EPA Product Improvement – Costs associated with an Agile team, staffed by contractors, with the purpose of re-designing and implementing an entirely new centralized product for access to all CM/ECF case data. This is for the development and operations & maintenance of the PACER modernization effort, which includes modernizing the PACER user interface screens, and other business epics based on priority. PACER provided access to federal court documents.

Line 14 – EPA Reimbursables - Salaries – Costs associated with positions that perform duties in relation to the CM/ECF system that makes retrieval of the information possible or perform functions that are relative to PACER. CM/ECF is one of the systems that holds the documents that PACER provides electronic access to.

Line 15 – EPA Electronic Public Access (SDSD) – Costs associated with managing the non-technical portion of the PACER Service Center i.e., rent, billing process costs, office equipment and supplies.) The PACER Service Center provides centralized billing and customer support for PACER. PACER provided access to federal court documents.

Line 16 – EPA US Courts .gov Web Support OPAF – Office of Public Affairs costs associated with the support of the uscourts.gov website. The uscourts.gov website provides public access to court documents such as court forms, statistical reports and rules and policies.

Line 17 – EPA Technology Infrastructure & applications - Development and Implementation costs for CM/ECF. CM/ECF is the case management system used in the appellate, district, and bankruptcy courts. CM/ECF provides the ability to store case file documents in electronic format and to accept filings over the internet. This was the technology and infrastructure costs for the system that holds the documents that PACER provides electronic access to.

Line 18 – EPA Information Technology Support - EPA funded Information Technology support for PACER Development Branch and PACER Services Branch staff. These positions support the PACER Case Locator which provides an electronic index to cases nationally.

Line 19 – EPA CTHD SDSD – This covers expenses for CM/ECF servers and funds CTHO (Cloud Technology Hosting Office) support for CM/ECF Infrastructure. This includes centralized and decentralized services, replication, McVCIS, case email processing, and NextGen. These are services that ensure redundancy and storage for the systems that holds the documents that PACER provides electronic access to.

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Line 23 – CM/ECF NextGen – Costs associated with the CM/ECF NextGen project working group. NextGen is one of the systems that holds the documents that PACER provides electronic access to.

Line 24 – CM/ECF Implementation – Costs associated with the Next Generation of CM/ECF Project Implementation Plan. The Implementation Plans calls for 6 implementation teams supporting up to 60 courts a year. To staff the implementation teams, the project plan calls for 8



new contractors/TDYs for SDSO, 5 for CSO and 4 for JSO. Travel funds are necessary to provide for 660 trips per year to support 60 courts implementing NextGen CM/ECF. NextGen is one of the systems that holds the documents that PACER provides electronic access to.

Line 25 – CM/ECF NextGen – CM/ECF NextGen project is developing the a system to meet the judiciary's long term case management and case filing requirements with a view to modernizing or replacing the CM/ECF systems. This looked at enhancing the functionality of the system that holds the documents that PACER provides electronic access to.

USA000015

Line 26 – CM/ECF Technical Assessment – Costs associated with an independent review and analysis of the end-to-end system performance of the Next GEN CM/ECF system to identify issues and challenges that are causing current and potentially future performance issues. Additionally these funds cover developing a short-term and long-term recommendation to improve the end-to-end system performance and/or prevent future performance issues as the solution scales and expands in functionality. NextGen CM/ECF is one of the system that holds the documents that PACER provides electronic access to

Line 27 – CM/ECF NextGen & Legacy CM/ECF Training – Costs associated with providing curriculum design and training for legacy CM/ECF and NextGen. This includes the scheduling of classes to meet court staff turnover (operational and technical staff) and to provide training on new features provided by NextGen. NextGen is one of the systems that holds the documents that PACER provides electronic access to.

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CM/ECF NextGen are the systems that hold the documents that PACER provides electronic access to.

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Line 38 – PACER-Net DCN– costs associated with network circuits, routers, switches, security, optimization, and management devices along with maintenance management and certain security services to support the portion of the Judiciary's WAN network usage associated with CM/ECF. This DCN cost is split between appropriated funds and EPA funds. CM/ECF is the system that holds the documents that PACER provides electronic access to.

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Line 49 – Violent Crime Control Act – Costs associated with the program that electronically notifies local law enforcement agencies of changes to the case history of offenders under supervision. Law enforcement officers receive electronic notification of court documents that were previously sent to the through the mail.

Line 52 – Web based E-Juror – Costs associated with E-Juror maintenance and operation.

E-Juror provides prospective jurors with electronic copies of court documents regarding jury service.

USA000015

Line 55 – Courtroom Technology OIT– This allotment funds the maintenance, cyclical replacement, and upgrade of courtroom technologies in the courts. Courtroom technology makes court documents more readily available to the public in the courtroom and the public outside the courtroom by making audio hearings available on PACER.

Line 56 – Courtroom Technology – This allotment funds the upgrade of courtroom technologies in the courts. Courtroom technology makes court documents more readily available to the public in the courtroom and the public outside the courtroom by making audio hearings available on PACER.

Interrogatory No. 2

Please explain how the PACER fee schedule was determined for each of the years during the Class Period, including an explanation, where appropriate, of why the fee was increased.

Response:

The electronic public access (“EPA”) fee is set, pursuant to statute and Judicial Conference policy, to be commensurate with the costs of providing existing services and developing enhanced services. The Electronic Public Access Schedule was amended to increase fees from \$.08 to \$.10 per page for electronic public access to court records through the PACER service, effective April 1, 2012. Implementation of the fee increase for local, state, and federal government agencies was suspended for three years, and went into effect on April 1, 2015.

Interrogatory No. 3

Please explain how the “Congressional Priorities” are determined, and identify the legal authority for funding each Congressional Priority from PACER revenues. *See, e.g.*, USA000002 at line 49.

Response:

Congressional Priorities are items that were funded in accordance with direction and/or approval from Congress. The legal authority for funding these Congressional Priorities (*see, e.g.*, USA000002 at line 49) include the Judiciary Appropriations Act of 1997 [H.R. Rep. No. 104-676 at 89], Judiciary Appropriations Act of 1999 [S. Rep. No. 105-235 at 114], and the Appropriations Committee approval of the Judiciary’s FY 2008 Financial Plan and the spending plan each year thereafter.

Interrogatory No. 4

Please describe how PACER-Net, PACER, and CM/ECF interface with each other or otherwise work together. As part of the description, please explain the following statement on USA000046 (“(43) positions perform PACER-related duties in relation to the CM/ECF system that makes retrieval of the information possible. Temporary positions functions are more specific to the PACER system itself. (17) additional positions in FY14”).

Response:

The PACER service is the embodiment of Judicial Conference policies on how court records will be made remotely electronically available. The records and reports that are available through the PACER service are records and reports based on records that reside in each court’s CM/ECF system. CM/ECF has a Case Management component and an Electronic Case Filing component. PACER-Net was the Internet facing network through which the public could access the PACER service. The positions listed were for staff who worked on the development and enhancements of CM/ECF and as such were an operational and development cost of CM/ECF.

Interrogatory No. 5

Please explain why the CM/ECF Ops & Maintenance expense line item (see USA000021) disappears after 2013.

Response:

As a result of a reorganization of the Administrative Office in 2013, some budget organization codes were split and renamed.

Interrogatory No. 6

Please identify to what system(s) (e.g., PACER, CM/ECF, PACER-Net) the “security services” apply. *See, e.g.*, USA000003 at line 33, USA000004 at line 36

Response:

These include PACER, CM/ECF and PACER-Net systems, but may include one or more other public access systems.

Interrogatory No. 7

Please define the following terms found in the documents produced, including, if applicable, a description of what is included in the category. If the responses are different for different years, please provide separate answers for the different years:

- a. “Print Fee Revenue.” *See e.g.*, USA000001 at lines 3, 4.
- b. “McVCIS.” *See, e.g.*, USA000024.
- c. “[C]ourt additives.” *See, e.g.*, USA000024 (“Includes allotments that courts use to provide electronic public access, such as . . . court additives . . .”).
- d. “[G]rants for the courts.” *See, e.g.*, USA000024 (“Includes allotments that courts use to provide electronic public access, such as . . . grants for the courts.”).
- e. “EPA Replication .” *See* USA000009 at line 18.
- f. “CM/ECF Positions.” *See* USA000012 at line 17.
- g. “SDSO support.” *See, e.g.*, USA000046.
- h. “EPA Reimbersables- Salaries” *See* USA000017 at line 14.

i. "EPA: Enterprise Messaging." *See*, USA000053.

j. The "IT Infrastructure Formula." *See* USA000049.

k. "Courtroom Technology." *See*, USA000013.

l. "Courtroom Technology OIT." *See*, USA000013.

m. "Courtroom Technology Program." *See*, USA000013.

Response:

Defendant responds as follows regarding the listed subparts of this Interrogatory:

a. "Print Fee Revenue." *See e.g.*, USA000001 at lines 3, 4.

Line 3 provides the revenue that was collected in the prior year for printing copies of documents through public access terminals at the clerks' offices. Line 4 provides the revenue collected for that specific fiscal year.

b. "McVCIS." *See, e.g.*, USA000024.

The Multi-Court Voice Case Information System (McVCIS) is an interactive voice response system which provides general case information for bankruptcy cases and adversary proceedings to callers in English and Spanish, free of charge.

c. "[C]ourt additives." *See, e.g.*, USA000024 ("Includes allotments that courts use to provide electronic public access, such as . . . court additives . . .").

Court additives are temporary positions for additional staff not captured as part of work measurement formulas to work on specific projects within the courts related to public access initiatives.

d. “[G]rants for the courts.” *See, e.g.*, USA000024 (“Includes allotments that courts use to provide electronic public access, such as . . . grants for the courts.”).

Grants for courts are IT grants that may be provided to local courts to fund public access initiatives that can be shared with other court units on a national level.

e. “EPA Replication .” *See* USA000009 at line 18.

EPA Replication refers to the costs associated with providing failover electronic public access capability to all cases and documents in CM/ECF during a system outage.

f. “CM/ECF Positions.” *See* USA000012 at line 17.

CM/ECF positions perform maintenance, development and enhancement duties on the CM/ECF system.

g. “SDSO support.” *See, e.g.*, USA000046.

The Systems Deployment and Support Office (SDSO) is responsible for testing, training, deployment, and support for CM/ECF Next Gen Development and Legacy CM/ECF systems, and PACER.



h. “EPA Reimbursables- Salaries” *See* USA000017 at line 14.

The Judiciary’s Salaries and Expense Account (S&E) is reimbursed for specific positions associated with electronic public access.

i. “EPA: Enterprise Messaging.” *See*, USA000053.

This is part the authentication process for judiciary personnel accessing CM/ECF and PACER.

j. The “IT Infrastructure Formula.” *See* USA000049.

This is a formula for providing IT funds to courts for decentralized spending.

k. “ Courtroom Technology.” *See*, USA000013.

Courtroom Technology includes the costs of repairs and maintenance for end user IT equipment in the courtroom; obligations incurred for the acquisition and replacement of digital audio recording equipment in the courtroom; costs for audio equipment in the courtroom, including purchase, design, wiring and installation; and costs for video equipment in the courtroom, including purchase, design, wiring and installation.

l. “ Courtroom Technology OIT.” *See*, USA000013.

OIT refers to the Office of Information and Technology

m. “ Courtroom Technology Program.” *See*, USA000013.

This is synonymous with Courtroom Technology in the referenced document.

Interrogatory No. 8

Please explain the difference between the categories EPA - Electronic Public Access (SDSD) and EPA – CM/ECF SDSD, and how funds are allotted to the two categories. *See, e.g.*, USA000017-18.

Response:

EPA (SDSD) – Includes funds for PACER Service Center customer service and support for PACER account holders. EPA – CM/ECF SDSD funds pay for support services for CM/ECF and NextGen case file systems.

Interrogatory No. 9

Please describe PACER-Net & DCN (*see, e.g.*, USA000003-000004), and explain the significant increase in telecommunications expenses between 2013 and 2014.

Response:

The Data Communications Network (DCN) is a virtual private network that allows access only to those resources that are considered part of the uscourts.gov domain. The Public Access Network (PACER-Net) is the public side of the DCN that allows external users access to Judiciary resources. Originally these were two separate networks but as technology improved, the DCN and PACER-Net were merged into one network with logical separation. The significant increase to the budget in 2013 and 2014 can be attributed to adding wide-area network (WAN) diversity.

Interrogatory No. 10

Do you contend that the following may be funded from PACER revenue? If so, state the basis for your contention.

- A. CM/ECF NextGen
- B. CM/ECF Futures
- C. CMPCF Development and Implementation
- D. CM/ECF Operations and Maintenance
- E. CM/ECF Testing
- F. CM/ECF Technical Assessment
- G. CM/ECF Forums, including Appellate, District, Bankruptcy, and Combined
- H. EPA Next Gen Training
- I. EPA Enterprise Data Warehouse
- J. EPA U.S. Courts.gov Web Support
- K. EPA CTHD SDS
- L. CM/ECF CTHD
- M. EPA CM/ECF SDS
- N. Electronic Bankruptcy Noticing
- O. PACER-Net
- P. Telecommunications (PACER-Net & DCN) Security Services
- Q Court Staffing Additives
- R. Court Allotments
- S. Courts/AO Exchange Program
- T. Violent Crime Control Act Notification
- U. Web-Based E-Juror Services
- V. Courtroom Technology
- W. Feasibility study with the State of Mississippi regarding sharing CM/ECF at the state level

Response:

Defendant contends that the following may be funded from PACER revenue, and, Defendant further responds as follows regarding the listed subparts of this Interrogatory:

A. CM/ECF NextGen

Congress has instructed that Electronic Public Access fees collected by the Judiciary as a charge for services rendered shall be deposited as offsetting collections to the Judiciary Automation Fund to reimburse expenses incurred in providing these services.<sup>1</sup> Congress expects that available balances from public access fees in the judiciary automation fund will be used to enhance availability of public access.<sup>2</sup> Congress has also stated that it expects the fee for the Electronic Public Access program to provide for CM/ECF system enhancements and operational costs.<sup>3</sup> CM/ECF NextGen is the Next Generation of the CM/ECF system.<sup>4</sup> The Next Generation or next iteration/version of a Case Management system would be an expected operational cost.

B. CM/ECF Futures

Congress has instructed that Electronic Public Access fees collected by the Judiciary as a

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<sup>1</sup> Pub. L. No 102-140 Title III, Section 303.

<sup>2</sup> S. Rep. No. 104-353 at 88.

<sup>3</sup> H. R. Rep. No. 108-221 at 116 and 149 Cong Rec. H12323 at H12515 stating “The conferees adopt by reference the House report language concerning Electronic Public Access fees.”

<sup>4</sup> See Statement Of Judge Thomas F. Hogan, Director Administrative Office Of The U.S. Courts Before The Subcommittee On Financial Services And General Government Committee On Appropriations United States House Of Representatives March 20, 2013, available at [http://www.uscourts.gov/sites/default/files/judge-hogan-testimony\\_3-13.pdf](http://www.uscourts.gov/sites/default/files/judge-hogan-testimony_3-13.pdf).

charge for services rendered shall be deposited as offsetting collections to the Judiciary Automation Fund to reimburse expenses incurred in providing these services.<sup>5</sup> Congress expects that available balances from public access fees in the judiciary automation fund will be used to enhance availability of public access.<sup>6</sup> Congress has also stated that it expects the fee for the Electronic Public Access program to provide for CM/ECF system enhancements and operational costs.<sup>7</sup> CM/ECF Futures (Budget Org OXECMFD) was a project assessing the Judiciary's long term case management and case filing requirements with a view to modernizing or replacing the CM/ECF system. Assessing the long term requirements for the CM/ECF system would be an expected enhancement and operational cost.<sup>8</sup>

#### C. CM/ECF Development and Implementation

Congress has instructed that Electronic Public Access fees collected by the Judiciary as a charge for services rendered shall be deposited as offsetting collections to the Judiciary Automation Fund to reimburse expenses incurred in providing these services.<sup>9</sup> Congress expects that available balances from public access fees in the judiciary automation fund will be used to enhance availability of public access.<sup>10</sup> Congress has also stated that it expects the fee for the

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<sup>5</sup> Pub. L. No 102-140 Title III, Section 303.

<sup>6</sup> S. Rep. No. 104-353 at 88.

<sup>7</sup> H. R. Rep. No. 108-221 at 116 and 149 Cong Rec. H12323 at H12515 stating "The conferees adopt by reference the House report language concerning Electronic Public Access fees."

<sup>8</sup> See USA000022.

<sup>9</sup> Pub. L. No 102-140 Title III, Section 303.

<sup>10</sup> S. Rep. No. 104-353 at 88.

Electronic Public Access program to provide for Case Management/Electronic Case Files system enhancements and operational costs.<sup>11</sup> Ongoing development and implementation costs for CM/ECF would be an expected enhancement and operational cost.

#### D. CM/ECF Operations and Maintenance

Congress has instructed that Electronic Public Access fees collected by the Judiciary as a charge for services rendered shall be deposited as offsetting collections to the Judiciary Automation Fund to reimburse expenses incurred in providing these services.<sup>12</sup> Congress expects that available balances from public access fees in the judiciary automation fund will be used to enhance availability of public access.<sup>13</sup> Congress has also stated that it expects the fee for the Electronic Public Access program to provide for Case Management/Electronic Case Files system enhancements and operational costs.<sup>14</sup> CM/ECF Operations and Maintenance are operational costs associated with the CM/ECF system.

#### E. CM/ECF Testing

Congress has instructed that Electronic Public Access fees collected by the Judiciary as a charge for services rendered shall be deposited as offsetting collections to the Judiciary Automation Fund to reimburse expenses incurred in providing these services.<sup>15</sup> Congress

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<sup>11</sup> H. R. Rep. No. 108-221 at 116 and 149 Cong Rec. H12323 at H12515 stating “The conferees adopt by reference the House report language concerning Electronic Public Access fees.”

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<sup>15</sup> Pub. L. No 102-140 Title III, Section 303.

expects that available balances from public access fees in the judiciary automation fund will be used to enhance availability of public access.<sup>16</sup> Congress has also stated that it expects the fee for the Electronic Public Access program to provide for CM/ECF system enhancements and operational costs.<sup>17</sup> Subjecting each CM/ECF version to a testing regimen prior to release is an operational costs associated with the CM/ECF system.

#### F. CM/ECF Technical Assessment

Congress has instructed that Electronic Public Access fees collected by the Judiciary as a charge for services rendered shall be deposited as offsetting collections to the Judiciary Automation Fund to reimburse expenses incurred in providing these services.<sup>18</sup> Congress expects that available balances from public access fees in the judiciary automation fund will be used to enhance availability of public access.<sup>19</sup> Congress has also stated that it expects the fee for the Electronic Public Access program to provide for CM/ECF system enhancements and operational costs.<sup>20</sup> CM/ECF Technical Assessment was an independent review and analysis of the end-to-end system performance of the NextGen CM/ECF system to identify issues and challenges that are causing current and potential future performance issues. Additionally, the funds cover the developing of a short-term and long-term recommendation to improve end-to-

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<sup>16</sup> S. Rep. No. 104-353 at 88.

<sup>17</sup> H. R. Rep. No. 108-221 at 116 and 149 Cong Rec. H12323 at H12515 stating “The conferees adopt by reference the House report language concerning Electronic Public Access fees.”

<sup>18</sup> Pub. L. No 102-140 Title III, Section 303.

<sup>19</sup> S. Rep. No. 104-353 at 88.

<sup>20</sup> H. R. Rep. No. 108-221 at 116 and 149 Cong Rec. H12323 at H12515 stating “The conferees adopt by reference the House report language concerning Electronic Public Access fees.”

end performance issues as the solution scales and expands in functionality.<sup>21</sup> This is an operational costs associated with the CM/ECF system.

G. CM/ECF Forums, including Appellate, District, Bankruptcy, and combined

Congress has instructed that Electronic Public Access fees collected by the Judiciary as a charge for services rendered shall be deposited as offsetting collections to the Judiciary Automation Fund to reimburse expenses incurred in providing these services.<sup>22</sup> Congress expects that available balances from public access fees in the judiciary automation fund will be used to enhance availability of public access.<sup>23</sup> Congress has also stated that it expects the fee for the Electronic Public Access program to provide for CM/ECF system enhancements and operational costs.<sup>24</sup> CM/ECF operational practice Forums, including Appellate, District, Bankruptcy, and combined Forums, are annual conferences at which judges, clerks of court, court staff, and AO staff exchange ideas and information about operational practices and policies related to the CM/ECF system.<sup>25</sup> Providing this type of training and sharing of best practices are an expected operating expense in managing and operating as comprehensive and complex a case management system as CM/ECF.

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<sup>21</sup> See USA000061.

<sup>22</sup> Pub. L. No 102-140 Title III, Section 303.

<sup>23</sup> S. Rep. No. 104-353 at 88.

<sup>24</sup> H. R. Rep. No. 108-221 at 116 and 149 Cong Rec. H12323 at H12515 stating “The conferees adopt by reference the House report language concerning Electronic Public Access fees.”

<sup>25</sup> See USA000063.



#### H. EPA Next Gen Training

Congress has instructed that Electronic Public Access fees collected by the Judiciary as a charge for services rendered shall be deposited as offsetting collections to the Judiciary Automation Fund to reimburse expenses incurred in providing these services.<sup>26</sup> Congress expects that available balances from public access fees in the judiciary automation fund will be used to enhance availability of public access.<sup>27</sup> Congress has also stated that it expects the fee for the Electronic Public Access program to provide for CM/ECF system enhancements and operational costs.<sup>28</sup> EPA: Next Gen and legacy CM/ECF training provides curriculum design and training for legacy CM/ECF and NextGen.<sup>29</sup> This includes the scheduling of classes to meet court staff turnover (operational and technical staff) and to provide training on new features provided by NextGen.<sup>30</sup> Providing this type of training and sharing of best practices are an expected operating expense in managing and operating as comprehensive and complex a case management system as CM/ECF.

#### I. EPA Enterprise Data Warehouse

Congress has instructed that Electronic Public Access fees collected by the Judiciary as a charge for services rendered shall be deposited as offsetting collections to the Judiciary

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<sup>26</sup> Pub. L. No 102-140 Title III, Section 303.

<sup>27</sup> S. Rep. No. 104-353 at 88.

<sup>28</sup> H. R. Rep. No. 108-221 at 116 and 149 Cong Rec. H12323 at H12515 stating “The conferees adopt by reference the House report language concerning Electronic Public Access fees.”

<sup>29</sup> See USA000061.

<sup>30</sup> Ibid.

Automation Fund to reimburse expenses incurred in providing these services.<sup>31</sup> Congress expects that available balances from public access fees in the judiciary automation fund will be used to enhance availability of public access.<sup>32</sup> Congress has also stated that it expects the fee for the Electronic Public Access program to provide for CM/ECF system enhancements and operational costs.<sup>33</sup> The Enterprise Data Warehouse supports the enhancement of EDW-Next Gen of CM/ECF, which includes on-line analytics, reports, and dashboards.<sup>34</sup> The Enterprise Data Warehouse is a mission critical system that will be available for all 204 court units across the country.<sup>35</sup> These costs are associated with enhancements to CM/ECF.

#### J. EPA U.S. Courts.gov Web Support

Congress has instructed that Electronic Public Access fees collected by the Judiciary as a charge for services rendered shall be deposited as offsetting collections to the Judiciary Automation Fund to reimburse expenses incurred in providing these services.<sup>36</sup> Congress expects that available balances from public access fees in the judiciary automation fund will be used to enhance availability of public access.<sup>37</sup> Congress has also stated that the overall quality

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<sup>31</sup> Pub. L. No 102-140 Title III, Section 303.

<sup>32</sup> S. Rep. No. 104-353 at 88.

<sup>33</sup> H. R. Rep. No. 108-221 at 116 and 149 Cong Rec. H12323 at H12515 stating “The conferees adopt by reference the House report language concerning Electronic Public Access fees.”

<sup>34</sup> See USA000061.

<sup>35</sup> Ibid.

<sup>36</sup> Pub. L. No 102-140 Title III, Section 303.

<sup>37</sup> S. Rep. No. 104-353 at 88.

of service to the public will be improved with the availability of enhancements such as enhanced use of the Internet.<sup>38</sup> These are the costs associated with supporting the uscourts.gov web site.<sup>39</sup> The uscourts.gov web site improves the overall quality of electronic service to the public via an enhanced use of the Internet.

#### K. EPA CTHD SDDS

Congress has instructed that Electronic Public Access fees collected by the Judiciary as a charge for services rendered shall be deposited as offsetting collections to the Judiciary Automation Fund to reimburse expenses incurred in providing these services.<sup>40</sup> Congress expects that available balances from public access fees in the judiciary automation fund will be used to enhance availability of public access.<sup>41</sup> Congress has also stated that it expects available balances derived from electronic public access fees be used to make information and services more accessible to the public through improvements to enhance the availability of electronic information.<sup>42</sup> Additionally, Congress has stated that it expects the fee for the Electronic Public Access program to provide for CM/ECF system enhancements and operational costs.<sup>43</sup> EPA CTHD SDDS funds CTHO (Cloud Technology Hosting Office) which provides support for

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<sup>38</sup> H. R. Rep. No. 104-676 at 89.

<sup>39</sup> See USA000059.

<sup>40</sup> Pub. L. No 102-140 Title III, Section 303.

<sup>41</sup> S. Rep. No. 104-353 at 88.

<sup>42</sup> H. R. Rep. No. 104-676 at 89.

<sup>43</sup> H. R. Rep. No. 108-221 at 116 and 149 Cong Rec. H12323 at H12515 stating “The conferees adopt by reference the House report language concerning Electronic Public Access fees.”

CM/ECF Infrastructure.<sup>44</sup> This infrastructure includes centralized and decentralized services, CM/ECF replication, McVCIS, case email processing.<sup>45</sup> These are operational costs associated with CM/ECF and programs that make information more available to the public.

#### L. CM/ECF CTHD

Congress has instructed that Electronic Public Access fees collected by the Judiciary as a charge for services rendered shall be deposited as offsetting collections to the Judiciary Automation Fund to reimburse expenses incurred in providing these services.<sup>46</sup> Congress expects that available balances from public access fees in the judiciary automation fund will be used to enhance availability of public access.<sup>47</sup> Congress has also stated that it expects available balances derived from electronic public access fees be used to make information and services more accessible to the public through improvements to enhance the availability of electronic information.<sup>48</sup> Additionally, Congress has stated that it expects the fee for the Electronic Public Access program to provide for CM/ECF system enhancements and operational costs.<sup>49</sup> CM/ECF CTHD funded CTHO (Cloud Technology Hosting Office) which provides support for CM/ECF Infrastructure.<sup>50</sup> This infrastructure includes centralized and decentralized services, CM/ECF

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<sup>44</sup> See USA000060.

<sup>45</sup> Ibid.

<sup>46</sup> Pub. L. No 102-140 Title III, Section 303.

<sup>47</sup> S. Rep. No. 104-353 at 88.

<sup>48</sup> H. R. Rep. No. 104-676 at 89.

<sup>49</sup> H. R. Rep. No. 108-221 at 116 and 149 Cong Rec. H12323 at H12515 stating “The conferees adopt by reference the House report language concerning Electronic Public Access fees.”

<sup>50</sup> See USA000047.

replication, McVCIS, case email processing.<sup>51</sup> These are operational costs associated with CM/ECF and programs that make information more available to the public.<sup>52</sup>

M. EPA CM/ECF SDSD

Congress has instructed that Electronic Public Access fees collected by the Judiciary as a charge for services rendered shall be deposited as offsetting collections to the Judiciary Automation Fund to reimburse expenses incurred in providing these services.<sup>53</sup> Congress expects that available balances from public access fees in the judiciary automation fund will be used to enhance availability of public access.<sup>54</sup> Congress has also stated that it expects the fee for the Electronic Public Access program to provide for CM/ECF system enhancements and operational costs.<sup>55</sup> EPA CM/ECF SDSD provides support services for CM/ECF NextGen Development and Legacy CM/ECF systems - Appellate, District and Bankruptcy Courts.<sup>56</sup> This includes functional and technical support desk services, release distribution, installation support services, communication services, and written technical documentation material. These are operational costs associated with CM/ECF.

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<sup>51</sup> Ibid.

<sup>52</sup> Ibid.

<sup>53</sup> Pub. L. No 102-140 Title III, Section 303.

<sup>54</sup> S. Rep. No. 104-353 at 88.

<sup>55</sup> H. R. Rep. No. 108-221 at 116 and 149 Cong Rec. H12323 at H12515 stating “The conferees adopt by reference the House report language concerning Electronic Public Access fees.”

<sup>56</sup> See USA000046.

N. Electronic Bankruptcy Noticing

Congress has instructed that Electronic Public Access fees collected by the Judiciary as a charge for services rendered shall be deposited as offsetting collections to the Judiciary Automation Fund to reimburse expenses incurred in providing these services.<sup>57</sup> Congress expects that available balances from public access fees in the judiciary automation fund will be used to enhance availability of public access.<sup>58</sup> Congress has also stated that the overall quality of service to the public will be improved with the availability of enhancements such as enhanced use of the Internet and electronic bankruptcy noticing.<sup>59</sup> Electronic Bankruptcy noticing sends bankruptcy notices electronically.<sup>60</sup> Electronic bankruptcy noticing improves the overall quality of electronic service to the public. These are the costs associated with electronic bankruptcy noticing.

O. PACER-Net

Congress has instructed that Electronic Public Access fees collected by the Judiciary as a charge for services rendered shall be deposited as offsetting collections to the Judiciary Automation Fund to reimburse expenses incurred in providing these services.<sup>61</sup> Congress expects that available balances from public access fees in the judiciary automation fund will be

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<sup>57</sup> Pub. L. No 102-140 Title III, Section 303.

<sup>58</sup> S. Rep. No. 104-353 at 88.

<sup>59</sup> H. R. Rep. No. 104-676 at 89.

<sup>60</sup> See USA000063.

<sup>61</sup> Pub. L. No 102-140 Title III, Section 303.

used to enhance availability of public access.<sup>62</sup> Congress has also stated that it expects the fee for the Electronic Public Access program to provide for Case Management/Electronic Case Files system enhancements and operational costs.<sup>63</sup> Additionally, Congress has stated that the overall quality of service to the public will be improved with the availability of enhancements such as enhanced use of the Internet.<sup>64</sup> PACER-NET is the network which allows courts to post court information on the Internet in a secure manner.<sup>65</sup> The public side of CM/ECF as well as court web sites are hosted on the PACER-Net.<sup>66</sup> PACER-Net enhances the availability of public access and is a necessary operational cost associated with CM/ECF.

P. Telecommunications (PACER-Net & DCN) Security Services

Congress has instructed that Electronic Public Access fees collected by the Judiciary as a charge for services rendered shall be deposited as offsetting collections to the Judiciary Automation Fund to reimburse expenses incurred in providing these services.<sup>67</sup> Congress expects that available balances from public access fees in the judiciary automation fund will be used to enhance availability of public access.<sup>68</sup> Congress has also stated that it expects the fee

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<sup>62</sup> S. Rep. No. 104-353 at 88.

<sup>63</sup> H. R. Rep. No. 108-221 at 116 and 149 Cong Rec. H12323 at H12515 stating “The conferees adopt by reference the House report language concerning Electronic Public Access fees.”

<sup>64</sup> H. R. Rep. No. 104-676 at 89.

<sup>65</sup> See USA000023.

<sup>66</sup> Ibid.

<sup>67</sup> Pub. L. No 102-140 Title III, Section 303.

<sup>68</sup> S. Rep. No. 104-353 at 88.

for the Electronic Public Access program to provide for Case Management/Electronic Case Files system enhancements and operational costs.<sup>69</sup> Additionally, Congress has stated that the overall quality of service to the public will be improved with the availability of enhancements such as enhanced use of the Internet.<sup>70</sup> PACER-Net & DCN Security Services funds network circuits, routers, switches, security, optimization, and management devices along with maintenance management and certain security services to support the portion of the Judiciary's WAN network associated with Electronic Public Access and CM/ECF.<sup>71</sup> PACER-Net & DCN Security Services are necessary operational costs associated with CM/ECF and electronic public access.

Q. Court Staffing Additives

Congress has instructed that Electronic Public Access fees collected by the Judiciary as a charge for services rendered shall be deposited as offsetting collections to the Judiciary Automation Fund to reimburse expenses incurred in providing these services.<sup>72</sup> Congress expects that available balances from public access fees in the judiciary automation fund will be used to enhance availability of public access.<sup>73</sup> Court additives are funds provided to courts to support activities like CM/ECF enhancements that are locally developed and promote electronic public access, such as making digital audio recordings of hearings available via PACER.<sup>74</sup>

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<sup>69</sup> H. R. Rep. No. 108-221 at 116 and 149 Cong Rec. H12323 at H12515 stating “The conferees adopt by reference the House report language concerning Electronic Public Access fees.”

<sup>70</sup> H. R. Rep. No. 104-676 at 89.

<sup>71</sup> See USA000023.

<sup>72</sup> Pub. L. No 102-140 Title III, Section 303.

<sup>73</sup> S. Rep. No. 104-353 at 88.

<sup>74</sup> See USA000024.



R. Court Allotments

Congress has instructed that Electronic Public Access fees collected by the Judiciary as a charge for services rendered shall be deposited as offsetting collections to the Judiciary Automation Fund to reimburse expenses incurred in providing these services.<sup>75</sup> Congress expects that available balances from public access fees in the judiciary automation fund will be used to enhance availability of public access.<sup>76</sup> Court allotments are used to provide electronic public access, such as public terminals, Internet web servers, telephone lines, paper, toner, public printers, digital audio, court additives, McVCIS and grants for the courts to develop public access solutions.<sup>77</sup>

S. Courts/AO Exchange Program

Congress has instructed that Electronic Public Access fees collected by the Judiciary as a charge for services rendered shall be deposited as offsetting collections to the Judiciary Automation Fund to reimburse expenses incurred in providing these services.<sup>78</sup> Congress expects that available balances from public access fees in the judiciary automation fund will be used to enhance availability of public access.<sup>79</sup> Congress has also stated that it expects the fee for the Electronic Public Access program to provide for Case Management/Electronic Case Files

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<sup>75</sup> Pub. L. No 102-140 Title III, Section 303.

<sup>76</sup> S. Rep. No. 104-353 at 88.

<sup>77</sup> See USA000024.

<sup>78</sup> Pub. L. No 102-140 Title III, Section 303.

<sup>79</sup> S. Rep. No. 104-353 at 88.

system enhancements and operational costs.<sup>80</sup> The Court /AO Exchange program encourages court and AO collaboration, thus enhancing understanding how work gets done in the courts and at the AO.<sup>81</sup> This project funds participants in the IT area, related to the Next Gen program.<sup>82</sup> The Court/AO Exchange program costs are operational and development costs associated with the CM/ECF system.

#### T. Violent Crime Control Act Notification

Congress has instructed that Electronic Public Access fees collected by the Judiciary as a charge for services rendered shall be deposited as offsetting collections to the Judiciary Automation Fund to reimburse expenses incurred in providing these services.<sup>83</sup> Congress expects that available balances from public access fees in the judiciary automation fund will be used to enhance availability of public access.<sup>84</sup> Congress has also stated that the overall quality of service to the public will be improved with the availability of enhancements such as enhanced use of the Internet.<sup>85</sup> These are the costs associated with supporting the Violent Crime Control Act Notification. The Violent Crime Control Act Notification program electronically notifies local law enforcement agencies of changes to the case history of offenders under supervision.<sup>86</sup>

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<sup>80</sup> H. R. Rep. No. 108-221 at 116 and 149 Cong Rec. H12323 at H12515 stating “The conferees adopt by reference the House report language concerning Electronic Public Access fees.”

<sup>81</sup> *See* USA000025.

<sup>82</sup> *Ibid.*

<sup>83</sup> Pub. L. No 102-140 Title III, Section 303.

<sup>84</sup> S. Rep. No. 104-353 at 88.

<sup>85</sup> H. R. Rep. No. 104-676 at 89.

<sup>86</sup> *See* USA000025.

The Violent Crime Control Act Notification program improves the overall quality of electronic service to the public via an enhanced use of the Internet.

#### U. Web-Based E-Juror Services

Congress has instructed that Electronic Public Access fees collected by the Judiciary as a charge for services rendered shall be deposited as offsetting collections to the Judiciary Automation Fund to reimburse expenses incurred in providing these services.<sup>87</sup> Congress expects that available balances from public access fees in the judiciary automation fund will be used to enhance availability of public access.<sup>88</sup> Congress has also stated that the overall quality of service to the public will be improved with the availability of enhancements such as enhanced use of the Internet.<sup>89</sup> These are the costs associated with supporting the E-Juror service. The E-Juror service improves the overall quality of electronic service to the public via an enhanced use of the Internet.

#### V. Courtroom Technology

Congress has instructed that Electronic Public Access fees collected by the Judiciary as a charge for services rendered shall be deposited as offsetting collections to the Judiciary Automation Fund to reimburse expenses incurred in providing these services.<sup>90</sup> Congress expects that available balances from public access fees in the judiciary automation fund will be

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<sup>87</sup> Pub. L. No 102-140 Title III, Section 303.

<sup>88</sup> S. Rep. No. 104-353 at 88.

<sup>89</sup> H. R. Rep. No. 104-676 at 89.

<sup>90</sup> Pub. L. No 102-140 Title III, Section 303.

used to enhance availability of public access.<sup>91</sup> Congress has also stated that the overall quality of service to the public will be improved with the availability of enhancements such as electronic case documents, electronic filings, and enhanced use of the Internet.<sup>92</sup> Pursuant to Appropriations Committee approval of the Judiciary's FY2008 Financial Plan, (and the Judiciary's Financial plan each year since), courtroom technology allotments for installation, cyclical replacement of equipment and infrastructure maintenance are to be funded from Electronic Public Access (EPA) receipts. This authority improves the ability to share case evidence with the public in the courtroom during proceedings and to share case evidence electronically through electronic public access services when it is presented electronically and becomes an electronic court record.

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<sup>91</sup> S. Rep. No. 104-353 at 88.

<sup>92</sup> H. R. Rep. No. 104-676 at 89.

W. Feasibility study with the State of Mississippi regarding sharing CM/ECF at the state level

Congress has instructed that Electronic Public Access fees collected by the Judiciary as a charge for services rendered shall be deposited as offsetting collections to the Judiciary Automation Fund to reimburse expenses incurred in providing these services.<sup>93</sup> Congress expects that available balances from public access fees in the judiciary automation fund will be used to enhance availability of public access.<sup>94</sup> Congress has also stated that the overall quality of service to the public will be improved with the availability of enhancements such as enhanced use of the Internet.<sup>95</sup> Additionally, Congress urged the judiciary to undertake a study of whether sharing such technology, including electronic billing processes, is a viable option.<sup>96</sup> These are

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<sup>93</sup> Pub. L. No 102-140 Title III, Section 303.

<sup>94</sup> S. Rep. No. 104-353 at 88.

<sup>95</sup> H. R. Rep. No. 104-676 at 89.

<sup>96</sup> S. Rep. No. 109-293 at 176.

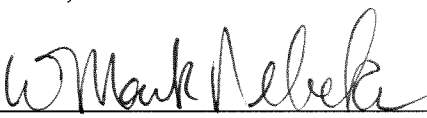
the costs associated with improving the overall quality of service to the public by studying whether CM/ECF could be shared with a state court.

As To Objections:

Respectfully submitted,

CHANNING D. PHILLIPS, DC Bar #415793  
United States Attorney

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By:  /s/  
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Assistant United States Attorney

VERIFICATION

I, Wendell Skidgel, hereby certify under penalty of perjury that the foregoing responses to Plaintiffs' interrogatories are true and correct to the best of my information and belief.

7/12/2017  
Dated

W. Skidgel  
WENDELL SKIDGEL

**CERTIFICATE OF SERVICE**

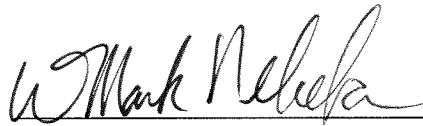
I HEREBY CERTIFY that service of the foregoing Defendant's Response To Plaintiff's  
First Set Of Interrogatories has been made by mailing and emailing copies thereof to:

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on this 12th day of July, 2017.

 \_\_\_\_\_ /s/  
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