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*Affiliations appear only
for purposes of identification.*

By email

December 1, 2020

The Honorable Nancy Pelosi
Speaker of the House
United States House of Representatives
1236 Longworth House Office Building
Washington, D.C. 20515

The Honorable Kevin J. McCarthy
House Minority Leader
United States House of Representatives
2468 Rayburn House Office Building
Washington, D.C. 20515

Re: Reporters Committee Support of H.R. 8235

Dear Speaker Pelosi and Minority Leader McCarthy:

The Reporters Committee for Freedom of the Press writes in support of H.R. 8235, the “Open Courts Act of 2020,” a bill that would eliminate the PACER paywall and improve transparency in the federal court system for both the press and public. We urge you to bring the bill to the floor for a vote and pass this important, bipartisan legislation.

Passed unanimously out of the House Judiciary Committee this September, the Open Courts Act of 2020 would modernize access to federal court records and eliminate the PACER paywall and its associated burden on press and public access to federal court filings. In particular, the current system of charge-per-page discourages or eliminates access for many journalists and newsrooms seeking access to public court documents.

Members of the news media frequently use court records accessible on PACER to report on matters of public concern; such records serve as the foundation for reporting about the justice system. When reporters cannot access court records because of excessive fees, the public loses. By removing the PACER paywall, the Open Courts Act of 2020 will increase access to records of the federal judiciary, promote accuracy in news reporting, and further advance the public’s knowledge about the federal judicial system.

The fees that members of the press pay help subsidize the judiciary’s case management and case filing systems while creating a barrier to access to court documents to which the press and public have a right of access under the First Amendment and common law. Eliminating that barrier would promote transparency, encourage trust in the judicial process, and facilitate oversight with respect to the judiciary. Consistent with the First Amendment,

the Open Courts Act of 2020 ensures that records will be free and open to the public in a standardized, accessible system.

For these reasons, we ask you to advance this bill to the floor for a vote. Please do not hesitate to contact Gabe Rottman at the Reporters Committee with any questions at grottman@rcfp.org.

Sincerely,

The Reporters Committee for
Freedom of the Press

cc: The Honorable Jerrold Nadler
Chairman, House Committee on the Judiciary

The Honorable Jim Jordan
Ranking Member, House Committee on the Judiciary