



NEWS RELEASE

Administrative Office of the U.S. Courts

September 19, 2001

Contact: David Sellers

Judicial Conference Approves Recommendations on Electronic Case File Availability and Internet Use

The Judicial Conference of the United States today concluded business suspended following the tragic events of September 11, 2001. In a mail ballot of its 27 members, the Judicial Conference adopted policies that govern the electronic availability of federal court case file information and the workplace use of the Internet by judges and court employees.

Regarding the use of the Internet by judges and Judiciary employees, the Conference took the following actions:

- In 2002, a review of system architecture will be completed under the Committee on Automation and Technology's direction, with a view of possible decentralization of Internet access to individual courts in a manner consistent with the security of the entire judiciary network. Pending the completion of this review, the Judicial Conference reaffirmed (a) that computers connected to the data communications network (DCN) shall access the Internet only through national Internet gateways; and (b) that operations and security at those gateways are under the administrative, managerial, and logistical control of the Administrative Office, subject to the direction of the Conference or, where appropriate, Conference committees.
- Immediately adopted, on an interim basis, the [model use policy](#) developed by the federal Chief Information Officers Council, as later revised by the committee to tailor it to the judiciary (except for Section F "Privacy Expectations," which will be recommitted to the committee) as a national minimum standard defining appropriate Internet use, subject to the right of each court unit to impose or maintain more restrictive policies. In carrying out routine administrative, operational, and maintenance responsibilities, should instances of possibly inappropriate use of government resources come to the attention of the management of a court unit or the Administrative Office, established Judicial Conference notification policy will be followed. In defining "inappropriate personal use," the Conference adopted a definition that includes the prohibition of "the creation, downloading, viewing, storage, copying, or transmission of sexually explicit or sexually oriented materials. . . materials related to illegal gambling, illegal weapons, terrorist activities, and any other illegal activities or activities otherwise prohibited. . . Any personal use that could cause congestion, delay or disruption of service to any government system or equipment. . . Any use that could generate more than minimal additional expense to the government. . . ."

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- Reaffirmed that individual courts have responsibility to enforce appropriate use policies and directed that the Administrative Office, as part of its regular audit process, examine and comment upon the adequacy of the courts' enforcement methods.
- Recommended to the Committee on Automation and Technology a recommendation on noticing in light of developments in technology and recent concerns raised on privacy.
- Having discerned no material business use for Gnutella, Napster, Glacier, and Quake, all of which raise immediate and continuing security vulnerabilities, (a) directed the Administrative Office to take appropriate steps to block such traffic involving computers connected to the DCN; and (b) delegate to the committee the authority to block other tunneling protocol that may cause security breaches.

Regarding the electronic availability of case files, the Conference approved the [following policies](#):

- Documents in civil cases should be made available electronically to the same extent that they are available at the courthouse with one exception (Social Security cases should be excluded from electronic access) and one change in policy (certain "personal data identifiers" should be modified or partially redacted by the litigants; these identifiers are Social Security numbers, dates of birth, financial account numbers, and names of minor children).
- Public remote electronic access to documents in criminal cases should not be available at this time, with the understanding that this policy will be re-examined within the next two years.
- Documents in bankruptcy case files should generally be made available electronically to the same extent that they are available at the courthouse, with a similar policy change for personal identifiers as in civil cases. Section 107(b)(2) of the Bankruptcy Code should be amended to establish privacy and security concerns as a basis for the sealing of a document, and the Bankruptcy Code and Rules should be amended as necessary to allow the court to collect a debtor's full Social Security number but display only the last four digits.
- Appellate case files should be treated at the appellate level the same way in which they are treated at the lower level, which could vary depending on whether they were appealed from a U.S. district court or a federal agency.

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- Electronic access to court docket sheets through PACERNet and to court opinions through their respective web sites will not be affected by the new policy. Neither will the availability of case files at the courthouse.

In other action the Conference voted to

- Seek an increase of the fees paid to jurors who serve in federal court from \$40 to \$50 a day. Juror fees were last increased in December 1990 from \$30 to the current rate of \$40. Prior increases occurred in 1978, from \$20 to \$30, and in 1968, from \$10 to \$20. The proposed increase is for petit and grand jurors.

The Judicial Conference of the United States is the principal policy-making body for the federal court system. The Chief Justice serves as the presiding officer of the Conference, which is composed of the chief judges of the 13 courts of appeals, a district judge from each of the 12 geographic circuits, and the chief judge of the Court of International Trade. The Conference meets twice a year to consider administrative and policy issues affecting the court system and to make recommendations to Congress concerning legislation involving the Judicial Branch. A list of Conference members is attached.

On September 11 at 9:30 a.m. the Chief Justice of the United States had convened the 141st session of the Judicial Conference. The Conference had conducted some preliminary business when, at approximately 10:15, the Chief Justice announced that the Supreme Court would be evacuated immediately and the Conference session suspended. The expectation was that the Conference would return the following day to conclude its business. As the day went on, it became obvious that a one-day postponement would be neither realistic nor appropriate.

The next option was to reconvene the Conference in Washington sometime in October. The press of other business, the identification of a convenient date, and the costs associated with such an undertaking made this approach problematic. As a result, last week the Chief Justice sent a memo to the members of the Conference advising them that the best course would be to resolve obviously time-sensitive matters by mail ballot and put off until March 2002 other less timely issues. A ballot was sent to Conference members on September 13.

While the Judicial Conference was postponed in March 1993 because of a snow storm, this is the first time in its 79 year history that a meeting of the Conference was canceled.

JUDICIAL CONFERENCE OF THE UNITED STATES

September 2001

Chief Justice William H. Rehnquist, Presiding

Chief Judge Michael Boudin Chief Judge D. Brock Hornby	First Circuit District of Maine
Chief Judge John M. Walker, Jr. Judge Charles P. Sifton	Second Circuit Eastern District of New York
Chief Judge Edward R. Becker Chief Judge Sue L. Robinson	Third Circuit Delaware
Chief Judge J. Harvie Wilkinson III Chief Judge Charles H. Haden II	Fourth Circuit Southern District of West Virginia
Chief Judge Carolyn Dineen King Judge Hayden W. Head, Jr.	Fifth Circuit Southern District of Texas
Chief Judge Boyce F. Martin, Jr. Judge Thomas A. Wiseman, Jr.	Sixth Circuit Middle District of Tennessee
Chief Judge Joel M. Flaum Chief Judge Marvin E. Aspen	Seventh Circuit Northern District of Illinois
Chief Judge Roger L. Wollman Chief Judge James M. Rosenbaum	Eighth Circuit District of Minnesota
Chief Judge Mary M. Schroeder Judge Lloyd D. George*	Ninth Circuit District of Nevada
Chief Judge Deanell R. Tacha Chief Judge Frank Howell Seay	Tenth Circuit Eastern District of Oklahoma
Chief Judge R. Lanier Anderson Chief Judge Charles R. Butler, Jr.	Eleventh Circuit Southern District of Alabama
Chief Judge Douglas H. Ginsburg Chief Judge Thomas F. Hogan	District of Columbia Circuit District of Columbia
Chief Judge Haldane Robert Mayer	Federal Circuit
Chief Judge Gregory W. Carman	Court of International Trade

Conference Secretary:

Leonidas Ralph Mecham, Director
Administrative Office of the U.S. Courts

* By designation.