

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF NEW YORK

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In Re:

Application for Exemption from
Electronic Public Access Fees by
Edward R. Morrison, Charles
Evans Gerber Professor of Law.

Administrative Order No. 17-04

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This matter is before the Court upon the letter request dated August 11, 2017 by Edward R. Morrison, Charles Evans Gerber Professor of Law and Co-Director, Richard Paul Richman Center for Business, Law & Policy ("Professor Morrison") for an exemption from the fees imposed by the Electronic Public Access fee schedule adopted by the Judicial Conference of the United States Courts. Professor Morrison seeks a waiver of PACER fees for the download of "Cases Reports" for chapter 7 and chapter 13 cases filed between January 1, 2001 and June 15, 2017. The exemption is sought in ten bankruptcy courts to further research in three projects more fully described in his letter referred to above. He seeks "Cases Reports" from the Bankruptcy Court for the Northern District of New York only in relation to his "Project Two" which involves a separate database on tort lawsuits filed by plaintiffs who received legal financing. Professor Morrison asserts that without a fee waiver, the project will be infeasible and that any data obtained will not be used for commercial purposes and will not be transferred or redistributed. Professor Morrison fails, however, to estimate a timeframe necessary to conclude his research.

THEREFORE, the Court has considered Professor Morrison's request and has consulted with the Administrative Office of the United States Courts on the reasonableness of this request and its compliance with policies established for academic exemptions from the Electronic Public Access (EPA) Fee Schedule. The Court has also considered the potential impact such a large request will have on its local CM/ECF platform if it is run during hours that other court users are utilizing systems.

ACCORDINGLY, the Court finds that Professor Morrison is an individual researcher associated with Columbia University Law School in New York, New York, and he falls within the class of users listed in the fee schedule as being eligible for a fee exemption. Additionally, Professor Morrison has demonstrated that an exemption is necessary in order to avoid unreasonable burdens and to promote public access to information. The Court also finds that it is necessary to limit the scope and method of data retrieval to ensure that the request does not

become burdensome to the Court's CM/ECF system¹ and to provide a termination date for the authorization contained in this order.

IT IS THEREFORE ORDERED that Professor Morrison shall be exempt from the payment of fees for access via PACER to the electronic Case Reports for chapter 7 and chapter 13 cases filed **only** between January 1, 2008 and June 15, 2017; and it is

FURTHER ORDERED Professor Morrison shall **only** run the exempted data requests during the hours from 10:00 pm and 6:00 am EDT or EST, whichever is applied at the time of the research; and it is

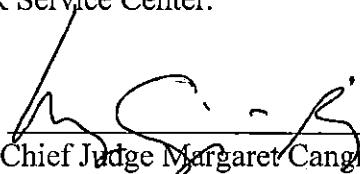
FURTHER ORDERED Professor Morrison shall not be exempt from the payment of fees incurred in connection with other uses of the PACER system in this Court; and it is

FURTHER ORDERED that the following limitations apply: (1) this fee exemption applies only to Professor Morrison and is valid only for the purpose and to the extent stated above; (2) this fee exemption applies only to the electronic case reports of this Court that are available through the PACER system and are listed above; (3) Professor Morrison shall not sell for profit any data obtained as a result of receiving this exemption; (4) Professor Morrison is and shall be prohibited from transferring any data obtained as a result of receiving this exemption; (5) **this exemption will expire on March 31, 2018**; and (6) if necessary, Professor Morrison may request an extension of the fee exemption granted in this Order, based upon an additional showing of need conforming to Judicial Conference Policy; and it is

FURTHER ORDERED this exemption may be revoked at the discretion of the Court at any time and a copy of this Order shall be sent to the PACER Service Center.

Dated this 29th day of September, 2017

Syracuse, New York


Chief Judge Margaret Cangilos-Ruiz

¹ The Administrative Office for the United States Courts has determined that the request, if granted in its entirety, would include case information for 199,635 cases. In addition, the cases report has a 31 day limit, so a researcher will need to run it 12 times for each target year. Since the cases report shows approximately 15 or so cases per page, the request for the United States Bankruptcy Court for the Northern District of New York would result in 14,000 pages for the cases report.