

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

In Re:)
)
Exemption of Trustees from) Standing Order No. 01-4
Electronic Public Access Miscellaneous)
Fee Schedule Item (I))
of \$.07 Per Page Through Court)
Internet Web Site and Procedure)
by Which Court May Consider)
the Granting of an Exemption from)
Item (I) Fee)

ORDER EXEMPTING TRUSTEES FROM
ELECTRONIC PUBLIC ACCESS MISCELLANEOUS FEE
SCHEDULE ITEM (I) AND PROCEDURE FOR GRANTING
EXEMPTION FROM ITEM (I) FEE

On February 5, 2001, the Court entered Standing Order No. 01-1, which exempted the trustees from the Bankruptcy Court Miscellaneous Fee Schedule Item (23) of \$0.07 per page and set out a procedure by which the Court may consider granting other persons an exemption from that fee. On April 30, 2001, the Director of the Administrative Office of the U.S. Courts issued a memorandum on the establishment of a newly created Electronic Public Access Miscellaneous Fee Schedule, which becomes effective July 1, 2001. This new fee schedule is separate and apart from the Bankruptcy Court Miscellaneous Fee Schedule. The Court has determined that there is a need to rescind Standing Order No. 01-1 and to issue a new Standing Order that conforms to the newly created Electronic Public Access Miscellaneous Fee Schedule.

The Judicial Conference of the United States has mandated that courts must assess the public access user fee for court data obtained electronically, via the Court's Internet web site, from the public records of individual cases in the Court, including filed

documents and the docket sheet, as provided for in Electronic Public Access Miscellaneous Fee Schedule Item (I) and as adopted by the Judicial Conference of the United States pursuant to 28 U.S.C. § 1930.

Electronic Public Access Miscellaneous Fee Schedule Item (I) provides that the “[C]ourt may, for good cause, exempt persons or classes of persons from the fees, in order to avoid unreasonable burdens and to promote public access to such information.”

The Judicial Conference Advisory Notes to the Electronic Public Access Miscellaneous Fee Schedule provides that the Court may exempt bankruptcy case trustees from the fees.

The Electronic Public Access Miscellaneous Fee Schedule Item (I) and the Judicial Conference Advisory Notes to this Fee Schedule provide that the Court may exempt persons or classes of persons in addition to bankruptcy case trustees as set forth therein.

The PACER Service Center is responsible for providing registration, billing and technical support to PACER customers.

NOW, THEREFORE, IT IS ORDERED that:

1. Standing Order No. 01-1 is hereby rescinded. The fee exemption granted to the trustees under that Order shall continue unabated under this Order.
2. For good cause, all trustees appointed pursuant to 28 U.S.C. § 586 and serving in cases before the Court shall be exempt from the \$.07 per page fee prescribed in Item (I) of the Electronic Public Access Miscellaneous Fee Schedule for court data obtained electronically, via the Court’s Internet web site, from the public records of individual cases in the Court, including filed documents and the docket sheet.

3. Each trustee shall make arrangements timely to establish an exempt account for trustee work with the PACER Service Center and, as required, shall make arrangements timely to establish a billable account for non-trustee work.
4. Each trustee will be responsible for using the appropriate account.
5. The PACER Service Center will establish an account for each trustee who requires a billable account for non-trustee work in addition to an exempt trustee account for trustee work.
6. The Clerk of the Court, or the Clerk's designee, will be responsible for:
 - (a) establishing, maintaining and updating a listing of trustees who are exempt from the fees set out in this Standing Order, and
 - (b) providing the PACER Service Center with a copy of this Standing Order and listing, including listing updates.
7.
 - (a) Upon motion by a party, the Court may consider the granting of an exemption from the \$.07 per page fee prescribed in Item (I) of the Electronic Public Access Miscellaneous Fee Schedule for court data obtained electronically, via the Court's Internet web site, from the public records of individual cases in the Court, including filed documents and the docket sheet. The motion should demonstrate the basis upon which the party claims such exemption.
 - (b) The standards established by Congress are: to avoid unreasonable burdens and to promote public access to such information.
 - (c) The party should demonstrate that both standards have been met before the court will grant the requested exemption.

(d) The Clerk of Court, or the Clerk's designee, will provide a copy of the order granting the requested exemption to the PACER Service Center so that the party will not be billed for use of the electronic access service.

5. This order shall take effect on May 21, 2001.

Dated: May 21, 2001

FOR THE COURT:

/s/ Douglas O. Tice, Jr.
DOUGLAS O. TICE, JR.
CHIEF JUDGE

/s/ David H. Adams
DAVID H. ADAMS
JUDGE

/s/ Stephen S. Mitchell
STEPHEN S. MITCHELL
JUDGE

/s/ Stephen C. St. John
STEPHEN C. ST. JOHN
JUDGE

/s/ Robert G. Mayer
ROBERT G. MAYER
JUDGE