

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

IN RE: APPLICATION FOR
EXEMPTION FROM THE
ELECTRONIC PUBLIC
ACCESS FEES BY
T. EDWARD SHARDLOW

GENERAL ORDER NO. 2020-12

GENERAL ORDER

Before the Court is the application and request by T. Edward Shardlow for exemption from the fees imposed by the Electronic Public Access fee schedule adopted by the Judicial Conference of the United States Courts.

The Electronic Public Access Fee Schedule provides that a court may consider exempting individual researchers associated with educational institutions if they have shown that the defined research project is intended for scholarly research that is limited in scope and not intended for redistribution on the internet or for commercial purposes. Mr. Shardlow is a Doctoral Candidate at the University of Texas at Austin. He is researching how managers evaluate and mitigate risk of litigation in making hiring, firing, and promotion decisions, and how this perception changes their behavior. In addition to the application materials, email and telephone conversations (by Court Services Office) with Mr. Shardlow clarified that the request is for data from approximately 142,000 employment discrimination cases nationwide (up to 8,000 in any one court), purportedly due to the extremely limited amount of case data available for discrimination cases that are based on a failure to hire, which is an essential element to his research. In addition, Mr. Shardlow has worked with a professional coder to develop a script to scrape the data

he needs and has tested the script with the Western District of Texas to ensure it works. He has indicated his willingness to run the code for limited time periods over multiple nights or months so as to lighten the load on the courts' systems. The research in question is undeniably important, however the scope of this request is very broad in terms of number of cases, with an undetermined number of documents, requested. Congress does not appropriate funds for the operation of the PACER service. Instead, pursuant to statute, this program is intended to be self-sustaining and supported by user fees. The provision of this level of free data access to many similarly situated academic researchers could be unsustainable. In recommending the language that is now a part of the EPA Fee Schedule information on exemptions for academic researchers, the Committee on Court Administration and Case Management has made clear that this type of, "exemption is intended to be used for academic research purposes (e.g., law reviews) rather than for data downloads to databases that are more akin to commercial distribution."

For these reasons,

IT IS ORDERED that the request is DENIED.

Signed in Baton Rouge, Louisiana the 21st day of July, 2020.



CHIEF JUDGE SHELLY D. DICK
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA