

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

In Re: Application for Exemption from	§	
the Electronic Public Access Fees for	§	Misc. Case No. 14-mc-0211
Not-For-Profit and <i>Pro Bono</i>	§	
Organization Colorado Prison Law	§	<u>Amended Order</u>
Project, Elisabeth L. Owen, Executive		
Director		

This matter is before the Court's Determining Officer, as authorized and delegated from the Clerk of the Court and the Chief Judge, upon the application and request by Not-For-Profit Organization Colorado Prison Law Project, Elisabeth L. Owen, Executive Director. The Colorado Prison Law Project requests an exemption from the fees imposed by the Electronic Public Access fee schedule adopted by the Judicial Conference of the United States, supplemental to the filing and miscellaneous fee provisions prescribed under 28 U.S.C. § 1914.

The Determining Officer finds that Ms. Owen has entered her appearance as a pro bono attorney in multiple prisoner civil rights cases representing indigent parties as the Executive Director and Managing Attorney of the Colorado Prison Law Project, and these appearances justify designation of the Project as within the class of users listed in the fee schedule as eligible for a fee exemption. In addition to Ms. Owen, other attorneys associated with the program have entered appearances as pro bono counsel. Ms. Owen has confirmed for this Determining Officer's satisfaction that an exemption for the Colorado Prison Law Project is necessary because the program is a not-for-profit organization that provides 100 percent pro bono legal services to an indigent population. Ms. Owen has demonstrated that an exemption is necessary in order to avoid unreasonable burdens and to promote public access to information. Because of Ms. Owen's repeated appearances, and the Colorado Prison Law Project's continuing participation in the district court's Civil Pro Bono Panel representing indigent and/or detained parties in civil actions, the Determining Officer finds that the Colorado Prison Law Project should be exempt as an organization from a fee for electronic access for court data. In particular, the sizable amount of work performed by the organization on a *pro bono* basis in such cases as 06-cv-00405-MSK-KMT Freeman v. Carroll, et al, 11-cv-01756-DME-MJW Freeman v. Woolston, et al, 09-cv-00983-WYD-KLM Gibson v. Campbell, et al, and 13-cv-02789-PAB-BNB Wanstall v. Armijo, et al. demonstrate that an exemption is justified and should be effective for time spent on such cases, at least to April 1, 2013.

Accordingly, Attorney and Executive Director Elisabeth L. Owen of the Colorado Prison Law Project shall be exempt from the payment of fees for access via PACER to the electronic case files maintained in this court, to the extent such use is incurred in the course of Ms. Owen's appearances as a *pro bono* attorney in civil cases in the District of Colorado on behalf of the Colorado Prison Law Project, as well as for the purpose of researching lawsuits to determine whether the Project will provide pro bono representation, or in furtherance of existing pro bono representation.

Additionally, the following limitations apply:

1. This fee exemption applies only to Elisabeth L. Owen, Executive Director of the Colorado Prison Law Project and is valid only for the purposes stated above.
2. This fee exemption applies only to the electronic case files that are available through the PACER system.
3. By accepting this exemption, Ms. Owen agrees not to sell for profit any data obtained as a result of receiving this exemption; nor to transfer any data obtained as a result of the exemption, without express authorization by the court.
4. This exemption will remain valid and continuing on the condition that the Colorado Prison Law Project maintains an active, pending civil pro bono caseload in the District of Colorado.
5. This exemption should be effective *nunc pro tunc* to the date of April 1, 2013.
6. Ms. Owen, as the fee exemption holder, shall notify the court and the PACER Account Service Center when Colorado Prison Law Project is no longer appearing in District of Colorado cases on a pro bono basis.

This exemption may be revoked at the discretion of the Court through the Determining Officer at any time. A copy of this Order will be sent to the PACER Service Center.

Dated at Denver, Colorado this 12th day of September, 2014.

By: s/Edward P. Butler
Edward P. Butler, Determining Officer
U.S. District Court, District of Colorado