



ADMINISTRATIVE OFFICE OF THE
UNITED STATES COURTS

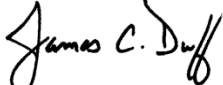
JAMES C. DUFF
Director

WASHINGTON, D.C. 20544

May 6, 2016

MEMORANDUM

To: Chief Judges, United States Courts
Circuit Executives
Federal Public/Community Defenders
District Court Executives
Clerks, United States Courts

From: James C. Duff 

RE: MISCELLANEOUS FEES (**INFORMATION**)

At its March 2016 session, the Judicial Conference approved amendments to the record retrieval fees on the appellate, district, and bankruptcy court miscellaneous fee schedules, as well as on the Court of Federal Claims and the Judicial Panel on Multidistrict Litigation miscellaneous fee schedules, effective June 1, 2016, as discussed below.

Pursuant to the Judiciary's records disposition schedules, courts may transfer records that are no longer needed for active court business to one of the National Archives and Records Administration's (NARA) Federal Records Centers (FRCs) for a designated retention period. For many years, when members of the public wanted to see documents housed at an FRC, their options were to go to the FRC to view the documents or request that the documents be sent from the FRC to the court. In connection with the latter option, the Judiciary's miscellaneous fee schedules currently include a fee – \$64 for the first box and \$39 for each additional box – for retrieval of records from an FRC.

As an alternative to viewing records at an FRC or having boxes of records shipped from an FRC to a court, a new service offered by NARA, known as "SmartScan," allows members of the public to request same-day electronic delivery of a limited number of scanned judiciary pages. SmartScan eliminates shipping costs, reduces clerk's office staff time required to receive, duplicate, and distribute relevant documents, and is ideal for small or urgent requests.

To implement this new service, and to provide a fee for similar services, the Judicial Conference, at its March 2016 session, established a new fee in each of the miscellaneous fee schedules for accessing records electronically from an FRC. The fee is \$10, plus any charges assessed by NARA. Currently, SmartScan fees charged by NARA to courts include a per-page cost for the transmission (the standard fee is currently \$0.65 per page) plus a fee to pull and re-file records (which is now set at \$9.90). Prior to the effective date of the fee, Administrative Office staff will provide additional information about the SmartScan service and implementation of the new fee, as well as guidance about the appropriate use of SmartScan.

The new fee will be incorporated into the item pertaining to record retrieval fees for the Court of Appeals Miscellaneous Fee Schedule (Item 7), the District Court Miscellaneous Fee Schedule (Item 7), the Bankruptcy Court Miscellaneous Fee Schedule (Item 12), the Court of Federal Claims Miscellaneous Fee Schedule (Item 11), and the Judicial Panel on Multidistrict Litigation Fee Schedule (Item 4), effective June 1, 2016, as follows (new language in bold):

For retrieval of one box of records from a Federal Records Center, National Archives, or other storage location removed from the place of business of the court, \$64. For retrievals involving multiple boxes, \$39 for each additional box. **For electronic retrievals, \$10 plus any charges assessed by the Federal Records Center, National Archives, or other storage location removed from the place of business of the courts.**