



Issue 301 | June 8

PACER Access Will Be Free for the Public

As Congress Considers Open Courts Act, Judicial Conference Announces It Will Modernize PACER Online Record System, Eliminate Search Fee for Public

Late last month, the Judicial Conference of the United States announced that it had approved making access to the PACER electronic court record system free for the general public. Currently, searches in PACER (Public Access to Court Electronic Records) cost 10 cents per page. The judicial conference did not approve removing the cost of downloading, which is 10 cents per page with a cap of \$3 per document, excluding transcripts. The conference also said work is underway to modernize PACER by building a new case management and electronic filing system with up-to-date technology. The timeline for removing the search fees and modernizing the system is unclear; meanwhile, Congress is considering the Open Courts Act, which would require the judiciary to update PACER and also to make downloading free to the public. What concerns has the judicial conference raised about this bill and how it might affect its own efforts to modernize PACER? Find out at [Reuters](#).

Survey: Number of Legal Malpractice Claims Flat, but Payouts Are Skyrocketing

In the past couple of years, the frequency of legal malpractice claims has remained relatively flat, according to a survey by insurance broker Ames & Gough—but payouts are reaching what the broker called "alarming new heights." In a survey of 11 leading insurers that provide insurance to 80% of the nation's top 100 law firms, 10 of the insurers said they had participated in a claim payout of more than \$50 million in the past two years. Three of these insurers said they had participated in claims between \$150 million and \$300 million, and four said they had participated in claims of more than \$300 million. What practice areas generate the largest number of legal malpractice claims—and why is a dramatic increase in lateral law firm hires a concern for those tracking these malpractice claims? Learn more at [ABA Journal](#).

Recent News in High-Profile Disciplinary Investigations, Cases in Georgia, Texas, and California

Late May and early June brought new developments regarding some high-profile lawyers facing discipline in their home states. For example, in late May, according to [Reuters](#), the U.S. Court of Appeals for the 11th Circuit affirmed a district court ruling that said attorney L. Lin Wood can't sue to block the State Bar of Georgia from seeking a mental health exam as part of its investigation into his conduct. Wood, who gained notoriety for promoting conspiracy theories about the 2020 presidential election, allegedly physically assaulted two of his former law colleagues and tweeted that then-Vice President Mike Pence should be executed. Also in late May, in what the [Texas Tribune](#) called "an extraordinary move," the State Bar of Texas Commission for Lawyer Discipline filed a professional misconduct lawsuit against state Attorney General Ken Paxton, stemming from his attempts to overturn 2020 presidential election results in four key states. Finally, on June 1, disgraced lawyer Tom Girardi was disbarred and ordered by the California Supreme Court to pay more than \$2 million plus 10% interest for funds stolen from clients. Girardi must also pay \$5,000 in sanctions and court costs for the State Bar of California, which had charged him with 14

counts of violating ethics rules and state law, [Bloomberg Law](#) said.

Asian American Bar Association of New York Highlights Lack of Resolution in Possible Hate Crimes, Makes 9 Recommendations

As attacks against Asian Americans and Pacific Islanders surged across New York City during COVID-19, people were and still are encouraged to report those incidents to the police and other authorities. But what happens after that? A report released recently by the Asian American Bar Association of New York found that in the first three quarters of 2021, out of 233 potentially racially motivated attacks on Asian New Yorkers, 91 led to arrests and 41 were charged as hate crimes, but just 7 led to guilty dispositions of hate crimes; 20 cases were still pending as of April 2021. This is the bar's second report on hate crimes against Asian Americans and Pacific Islanders during the pandemic; whereas the first, in February 2021, noted a "rising tide" of such incidents, this report calls it an "endless tide." Among the report's nine recommendations are to increase transparency by making data publicly accessible and by following an incident from its occurrence to its resolution, and to amend New York's hate crimes law to classify incidents as hate crimes if they are based "in whole or in part" on a person's protected characteristic. [Lohud](#) takes an in-depth look at the report and at local and national efforts to track and stop attacks against Asian Americans and Pacific Islanders.



[Learn more about the ABA Division for Bar Services](#)

[Read the latest issue of Bar Leader Magazine](#)

{{AA_HTML Manual - Chicago Footer}}