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December 9, 2008

The Honorable Barbara J. Rothstein Federal Judicial Center 1 Columbus Circle, N.E. Washington, D.C. 20002-8003 Fax: (202) 502-4099

Dear Judge Rothstein:

I am writing to you today with several questions about the Federal Judicial Center. Let me first say how impressed I am by the breadth and depth of the 776 publications offered by the Federal Judicial Center. Our nonprofit corporation is pleased to be able to add the reports available from your site to our collection of primary legal materials offered on the Internet for reuse without restriction.

The questions I have regard copyright and availability of video materials as well as the status of the Federal Judicial Center Foundation.

First, while your site is very clear that there is no copyright on any of the materials, I ordered the DVD "Introduction to the Patent Center" from the American Intellectual Property Law Association, and the disc arrived with the inscription "DVD © Federal Judicial Center." Is copyright being asserted by the Federal Judicial Center?

Second, your site indicates that DVDs for the public may be ordered at the National Technical Information Center. However, NTIS only has videos from 2005 and back, and of those videos, there are only 5 from 2005 and 10 from 2004. Are there plans to make more recent videos available to the public? And, since NTIS offers only videotape format, are there any plans to offer the more modern "DVD" format?

Third, the prices charged by NTIS seem prohibitive, particularly given the costs of duplication. For example, my small nonprofit ordered 12 videotapes of your materials from NTIS. The cost of our order is \$789.70, which seems very exorbitant for public domain materials such as these. The videotape tape "Fundamental of Financial Investigation: Fundamentals" cost \$75.00 and that is surely of interest to a broad audience. Are there plans to offer your materials at lower prices?

Fourth, the Federal Judicial Center operates the Federal Judicial Television Network, a satellite broadcast network. As these materials are the works of government, would you have any objection if our nonprofit corporation were to procure, at our own expense, a satellite dish and provide a mirror of the programming on the Internet?

Fifth, the Federal Judicial Center Foundation was created as an trust instrumentality of the United States with nonprofit tax status (28 U.S.C. § 629(f)). Other nonprofit instrumentalities of the United States, such as the Smithsonian Institution, file an annual tax return with the I.R.S. and make their financial information available for the public to examine. I was unable to find any tax returns or other reporting for the Foundation and was wondering if perhaps I was looking in the wrong location.

It has been a pleasure to learn about the Federal Judicial Center and your efforts to provide continuing education and research on all aspects of the operation of the federal courts.

Sincerely yours,

Carl Malamud President & CEO Public.Resource.Org