

## TRANSCRIPTS

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### Authority

At its September 2007 session, the Judicial Conference adopted a policy regarding electronic availability of transcripts of court proceedings. Earlier, at its September 2003 session (JCUS-SEP 03, pp. 16-17), the Judicial Conference approved procedures (revised at its March 2007 session) to implement the Judiciary's privacy policy (now reflected in Federal Rule of Bankruptcy Procedure 9037) as it applies to electronic availability of transcripts.

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### Filing and Electronic Availability

A transcript provided to the court by the court reporter or transcriber will be electronically available at the office of the Clerk of Court for inspection only, for a period of ninety (90) days after it is delivered to the Clerk.

- The transcript will be available for viewing at the public terminal in the Clerk's Office and will include a permanent header "AVAILABLE AT THE PUBLIC TERMINAL FOR VIEWING ONLY."
  - A notice of the filing of the transcript - text event - will serve as notification to the parties of the filing of the transcript.
  - During the 90-day restriction period, the transcript and any redacted versions, will not be available via remote electronic access. Only an attorney who purchases the transcript during the 90-day period will be given remote electronic access to the transcript and any redacted version filed. Members of the general public, including Pro Se parties who purchase the transcript, will not be given remote electronic access to the transcript or any redacted version filed during the 90-day period.
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### Notice of Intent to Request Redaction

Within seven (7) calendar days of the filing of the transcript, any person who wishes to redact, from a transcript, those personal identifiers noted in Fed. R. Bankr. P. 9037(a) must file a "Notice of Intent to Request Redaction" with the Clerk and serve a copy of the notice on the transcriber.

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### Request for Redaction under Rule 9037(a)

After filing a Notice of Intent to Request Redaction, the filer has twenty-one (21) calendar days from the date of the filing of the transcript to file a Request for

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Redaction with a listing indicating where the personal data identifiers to be redacted appear in the transcript. The filer of the request for redaction must serve the request, with a detailed listing, on the transcriber.

- To identify parts to be redacted, the attorney or Pro Se party filing the Request for Redaction must attach a list of information to be redacted with the request. The information should be identified by type of identifier (e.g., minor's name, birth date, etc.) and page and line number where the information appears in the transcript. This specificity may help to reduce errors.
- The date the transcript is filed is the starting date for all the deadlines related to restriction and redaction of the transcript.
- The redaction procedures for transcripts (as well as the 90-day restriction policy) apply only to transcripts of federal courtroom proceedings.
- With the exception of transcripts, redaction of the information described in Fed. R. Bankr. P. Rule 9037(a) is the responsibility of the person filing the document. When the transcript is filed, the attorneys and Pro Se parties who attended the hearing are solely responsible for redaction of the information described in the Rule. Redaction is accomplished only with input from the attorneys and Pro Se parties who attended the hearing.
- If the Request for Redaction, with the detailed listing, is not timely filed the court will assume that redaction is not necessary and after the 90-day restriction period, the transcript will be made electronically available to the public.

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### **Filing the Redacted Transcript**

Once the Request for Redaction is filed, the transcriber has thirty-one (31) days from the date of the filing of the transcript to file a redacted version of the transcript.

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### **Expiration of the 90-day Restriction Period**

At the end of the 90-day restriction period, if a redacted version of the transcript is filed,

- The redacted version will be made available via remote electronic access and at the public terminal for viewing and printing.
- The unredacted version will NOT be available.

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**Remote Access and PACER Charges**

Charges for access through PACER apply during and after the 90-day restriction period. Charges are not capped at 30 pages. The user will incur PACER charges each time the transcript is accessed even though they have purchased it from the transcriber and obtained remote access through CM/ECF. **A free copy of the electronic transcript is not available via remote access.** After purchasing the transcript from the transcriber, an attorney can receive the original and any redacted transcript in both paper and electronic format.

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