

**United States District Court
Northern District of Ohio**

Questions and Answers

Electronic Availability of Transcripts and Transcript Redaction Procedures

- 1. Q.** When will the electronic transcript be made remotely available to the public through the PACER system?

A. The electronic transcript will be remotely available to the public through PACER 90 days after it has been delivered to the clerk of court.
- 2. Q.** Will anyone be able to obtain a copy of the transcript during the initial 90-day period after the certified transcript copy has been filed with the clerk?

A. Yes, any counsel, party, or member of the public wanting a copy of a transcript during the 90-day period can purchase a copy from the court reporter. In addition, court staff will have appropriate access during the 90-day period to any transcript filed with the clerk through the CM/ECF system.
- 3. Q.** Will counsel, a party, or the public be able to review the transcript during the 90-day period?

A. Yes, the transcript on the CM/ECF system will be available for review and inspection at the court's public terminal during the 90-day period. However, a clerk's office will not provide copies to counsel, a party or the public during the 90-day period, but rather will refer anyone who wants a copy to the court reporter. In addition, any counsel or parties to a case who have received a transcript from a court reporter will be given access to the transcript through the CM/ECF system. Counsel of record in a case who have not purchased a copy of the transcript from the court reporter will not have access to the transcript through CM/ECF until they purchase it from the court reporter or until the 90-day period has expired.
- 4. Q.** How will a court reporter know when to redact a transcript?

A. The redaction of transcripts will be requested by counsel to a case. Counsel will file a Notice of Intent to Redact within seven days of the transcript being delivered to the clerk. Counsel will then follow-up, within 21 calendar days of initial delivery of the transcript to the clerk, with a specific request for redaction noting the page numbers and line numbers where redactions are required.
- 5. Q.** Are there any other changes to the format of a redacted transcript?

A. Yes. The title page of the transcript should indicate that it is a redacted transcript immediately below the case caption and before the Volume number and the name and title of the Judge.
- 6. Q.** When a court reporter electronically files a certified copy of the transcript with the clerk, they also send the transcript to the ordering party. If a transcript is requested to be redacted, the court reporter sends the redacted copy of the transcript to the clerk for filing. Does the court reporter also send a redacted copy to the ordering party as well?

- A.** The review of transcripts for information required by the rules to be redacted is required to allow the court to post the transcript electronically for remote public access after the 90-day period. Therefore, there is no requirement to send a copy of the redacted transcripts to the parties who originally ordered the transcripts. The redacted transcript only needs to be filed following the same procedure used to file the unredacted version to the clerk earlier.
- 7. Q.** Will the unredacted transcript that is originally filed with the clerk of court be filed under seal?
- A.** No, in most instances, the unredacted transcript will be filed as a restricted document, which will allow court staff to view it and print it, and allow the public to view the transcript at the public terminal in a clerk's office. Transcripts will only be sealed pursuant to a court order.
- 8. Q.** Will the unredacted transcript that is originally filed with the clerk of court as a restricted document always be a restricted document?
- A.** This depends on whether a request for redaction has been received. After the 90-day period, the restriction on any transcript originally filed with the clerk of court will be lifted and the transcript will be available electronically on the CM/ECF and PACER systems - - unless there has been a request for redaction, in which case the redacted transcript will be made available electronically on the CM/ECF and PACER systems and the original unredacted transcript will remain restricted.
- 9. Q.** Once a court reporter completes the production of a transcript and files the original with the clerk, does the court reporter then have the obligation to notify the parties that the original transcript has been filed and then give them a copy of it?
- A.** No. The court reporter does not have the obligation to notify the parties that the certified copy of the transcript has been filed. The CM/ECF system automatically notifies the parties that the transcript has been filed so that the parties are aware that the five-day period within which to request redaction has begun. The court reporter has no obligation to provide a copy of the transcript to a party unless the party ordered it. After the transcript is filed with the clerk, a court reporter may sell a copy of the transcript to counsel, a party or the public if requested. This copy can be paper or electronic; however, the transcript is not to be made remotely electronically available to the general public before the redaction period has run and the redactions have been completed.
- 10. Q.** As the court reporter is preparing a transcript, if she/he notices that redactions will be necessary, should the court reporter do the redactions then and there? Or, when the transcript is sent to the parties, should the court reporter/inform the parties that material needs to be redacted at certain page and line numbers? Or should the court reporter wait until she/he hears from the parties or the court?
- A.** No, court reporters do not have the responsibility to redact information unless there is a redaction request made by the parties to the case. Court reporters also do not have a responsibility to notify the parties of material that should be redacted. The parties have the responsibility to review the transcripts and request redactions, if necessary.
- 11. Q.** What responsibility would the court reporter have if the parties did not request redaction but the court reporter knows that redaction should take place?

A. None. It is not the responsibility of the court reporter to identify material in the transcript that should be redacted. The Judicial Conference policy imposes that responsibility on counsel.

12. Q. How are the statements of redaction (Redaction Requests) prepared by the attorneys for the court reporters to be handled?

A. They should be filed with the clerk. The statement should be worded in such a way that the personal information at issue is **not** repeated (i.e., redact the Social Security number on page 12, line 9 to read xxx-xx-6789).

13. Q. What are the personal identifiers that a party may request be redacted?

A. The redaction of the following personal identifiers should be requested from counsel:

- Social Security numbers (or taxpayer identification numbers) to the last four digits;
- financial account numbers to the last four digits;
- dates of birth;
- individuals known to be minor children to the initials; and
- in criminal cases, any home addresses stated in court to the city and state.

14. Q. May parties move to redact other information in a transcript other than the specified identifiers?

A. Yes. While the court reporter is authorized to redact the specified personal identifiers noted in the answer to question 13 above, the moving party must receive a ruling of the court before other information in the transcript may be redacted. A Motion to Redact Transcript must be filed.

15. Q. Concerns have been expressed in our court over how to address transcripts of voir dire that may contain personal information of jurors. Do you have any guidance on this issue?

A. Like any other instance where use of the redaction procedures may be appropriate, invocation of the redaction procedures is left to the parties or the court. Any personal information other than those items listed in the answer to question 25 above would need to be addressed by separate motion and/or order of the court. Consideration may also be given to sealing of voir dire transcripts or restricting access so that they are not viewable through PACER.

16. Q. Once a court reporter receives the list of redactions (Redaction Request) from the attorney(s), how long does the court reporter have to redact the transcript and provide the redacted transcript to the clerk?

A. Ten days.